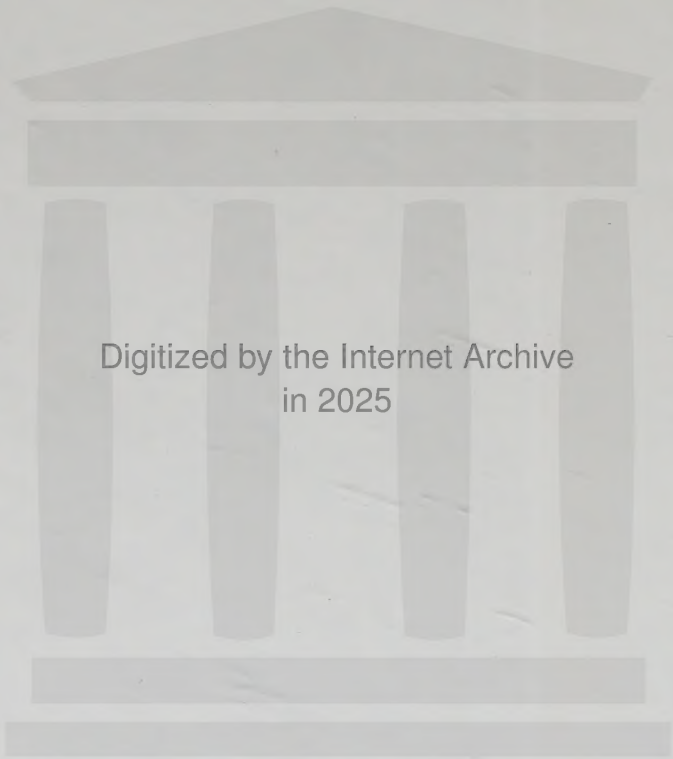
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Yours truly
T. B. Edgington.

THE MONROE DOCTRINE

BY

T. B. EDGINGTON, A.M.

OF THE BAR OF MEMPHIS, TENN.

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PREFACE

AMONG a self-governing people it is indispensable that their ruling millions should possess an accurate knowledge of the principles and policies of their government. That which is written in their statutes is easily mastered; but their unwritten laws, which are traditional in character, like all other forms of tradition, ultimately become a matter of great uncertainty and doubt. They are colored and shaped into all sorts of fantastic and variegated forms by the medium through which they are transmitted.

The object of this work is to rescue the people, in some small degree, from the perils of this distortion of the unwritten foreign policy of the republic.

Its object does not rest on this alone; its further purpose is to point out the new questions which are arising and requiring solution under this policy, to the end that we may act the part of the good Samaritan to the sick man of Latin America, and at the same time maintain our cordial and friendly relations with all the European powers, relations which sometimes become strained and alienated through a misunderstanding of each other's purposes.

This leads up to an examination of the relations which Latin America sustains to our foreign policy, and to an exposition, in somewhat unmeasured terms, of the heresies which have

taken refuge under the shadow of the Monroe Doctrine, as the vermin were found to have collected under the foliage of Jonah's gourd vine, when it withered.

T. B. EDGINGTON.

MEMPHIS, TENN., March 6, 1904.

THE MONROE DOCTRINE

CHAPTER I

THE HOLY ALLIANCE

As soon as it was known that the grand army under Napoleon had been buried in the snowdrifts of Russia, after the burning of Moscow, a change of sentiment in Europe took place. Signs of a general breaking away of the States in alliance with France were manifested. Events went from bad to worse for the cause of Napoleon, until Alexander of Russia, Frederick William III, and the generals of the allies entered Paris with their victorious armies on March 31, 1814.

Negotiations followed which resulted in the abdication of the throne by Napoleon and the accession of Louis XVIII after an exile in foreign lands of twenty-three years. Napoleon was granted a pension of two millions of francs, and the sovereignty of the Island of Elba in the Mediterranean, where he took up his abode. Nearly everything that France had achieved was ruthlessly torn away, and her territory was reduced to the limits which were recognized at the beginning of the revolution.

After ten months spent in the apparently quiet nominal sovereignty of Elba, Napoleon quitted the island on February 26, 1815, and landed at Cannes, which created a sensation in France such as has never been known before nor since in her eventful history.

Everywhere the old soldiers of the republic and empire rose up and followed Napoleon. Marshal Ney, who had been made a peer of France by Louis XVIII, promised that monarch to put Napoleon in an iron cage and bring him to Paris. He went out at the head of an army to accomplish

this mission, but fired by his old enthusiasm, threw himself into the arms of Napoleon and followed him to Paris, while Louis XVIII and his court fled to Belgium.

The events which followed culminated in the defeat of Napoleon at the battle of Waterloo, and his subsequent banishment to the Island of St. Helena. On July 6, 1815, the allied armies of Europe re-entered the city of Paris, and two days afterwards Louis XVIII was again seated on the throne of France. The settlement of the affairs of Europe was made on about the same terms as had been fixed by the treaty of Paris during the preceding year.

Alexander I entered Paris on July 11, 1815, and contributed much by his influence to the settlement which was agreed upon over the ruins of France. Having prepared and completed a document known as the Holy Alliance on September 26, 1815, he submitted it to the other European powers for approval. Francis of Austria and Frederick William of Prussia signed it at once. All the European powers except England and Rome became parties to the league. It has been said that France refused to become a party to it. This is a mistake, for Louis XVIII signed the instrument with great alacrity. The document known as the Holy Alliance was published to the world in February, 1816.

The leading principle of the Alliance was that henceforth the political order of the world should be directed by the doctrines and practices of Christianity, and these doctrines and practices were, of course, to be decided by the creeds and methods of the parties to the compact. The world was to be subject to an orthodox despotism. It was simply an appeal to religion to support and confirm the existing dynasties of Europe, and to remand them to the good old paternal plan of mediæval government. One article of this compact provided that no member of the family of Bonaparte should ever occupy a European throne. Another article bound the parties to maintain and defend the various dynastic houses, and to combine for the suppression of rebellions and revolutions.

The meaning of all this was that political liberty was to be crushed out.— United in this compact, but without the assent of Great Britain, these monarchs in the name of Christianity entered upon the government of the world. The Holy Alliance suppressed revolutions in Naples and Piedmont, and restored absolute monarchy in Spain.

The sovereign parties to the compact held a congress at Aix-la-Chapelle in 1818. Alexander I virtually presided. In 1820 another congress or convention was held at Troppau, another at Laibach in 1821, and another at Verona in 1822.

Napoleon had put his brother Joseph Bonaparte on the throne of Spain, and under his rule the supreme legislative power was placed in the hands of a single national assembly, and effective checks were devised to restrict the power of the monarchy.

The government of Spain had been changed from an absolute into a limited monarchy. Ferdinand VII was restored to the throne of Spain in March, 1814. He found his power curtailed by the changes mentioned, which were made during the reign of Joseph Bonaparte. At the congress of Verona, in October, 1822, France, Austria, Russia, and Prussia agreed upon armed intervention in Spain in spite of the protests of England. The demand was made on Spain by the Holy Alliance to alter her constitution and to grant greater liberty to the king, a demand which was peremptorily refused, and a French army 100,000 strong entered Spain in April, 1823, under the Duke of Angoulême, and absolutism was restored.

The South American colonies had taken advantage of Napoleon's conquests of Spain to establish their independence. The Holy Alliance did not stop with the restoration of absolutism in Spain, but it took under consideration the question of restoring to her the South American colonies, whose independence had been recognized by the United States, but not by any European power. The Monroe message was the outgrowth of this condition of affairs, in which England stood alone against the schemes of the Holy Alliance.

The real author of the Holy Alliance was Madame de Krüdener, the wife of Baron de Krüdener, a Russian diplomatist. Her father, the Baron Weitinghoff, was one of the wealthiest proprietors in Livonia in Russia. She had a reputation for wit, beauty, and intelligence, and became a brilliant social favorite at the various European capitals where her husband was the accredited ambassador of Russia. She separated from him and located in Paris in 1803 to further her literary schemes as a novelist. Later in life, she devoted herself solely to the conversion of sinners and the consolation of the wretched. Her doctrines were a strange blending of romanticism and mysticism. They were not in harmony with either the forms or creeds of any Christian communion. At Paris, in 1814, she held religious assemblies at her residence, which were frequented by the most important personages. Her spiritual exaltation assumed the character of prevision, and in a letter she foretold in vague terms the escape of Napoleon from Elba, his triumphant return to Paris, and a second exile of the Bourbons. This was communicated to Alexander I, who became much interested in her. He met her at Heilbron in May, 1815, accompanied her to Heidelberg, the headquarters of the allies, and after the battle of Waterloo went with her to Paris.

While at Heidelberg, Alexander was a frequent visitor at Madame de Krüdener's cottage, where they read and expounded the Scriptures together, and the religious tendencies of the ruler were fanned into a flame of enthusiasm by her ministrations.

Madame de Krüdener's drawing-rooms in Paris were costly and brilliant, and her guests were most distinguished, not the least of whom was her friend Alexander I, Czar of Russia.

The principal topic of conversation at her levees was the restoration of peace and the terms upon which prostrate France should be permitted to resume her place among the States of Europe. Madame de Krüdener advocated a liberal policy toward France. She was supported in this by the in-

fluence and importunities of Madame Récamier, the Duchess of Duras and d'Escar, and Benjamin Constant. She surrounded the czar with the most brilliant and seductive personages of whom France could boast, and placed before the impressible Alexander her exalted ideas of absolute justice, greatness of soul and forgiveness for offences, the universal brotherhood of man and the fraternal relation of States. The Holy Alliance was one of the results of the powerful influence exerted by her upon Alexander, and in deference to her teachings, the czar was the least exacting in his demands of all the allied powers. In these interviews between Alexander and Madame de Krüdener, religion and politics were blended, and the written instrument forming the Holy Alliance was a mere digest of their views. This was written by Alexander, and is said to have been submitted to her for revision. Had there been no Madame de Krüdener there would probably have been no Holy Alliance. She was sincere in her mysticism and in her apostolic labors, and at the time of her death, in 1824, she was engaged with Princess Galatzin in attempting to found a colony of her disciples in the Crimea.

Her optimistic views concerning the brotherhood of States as well as of man, did not have a happy outcome in the Holy Alliance, for in its practical operation it became in substance a stupendous conspiracy against the liberties of mankind.

CHAPTER II

THE HOLY ALLIANCE AND THE NEW WORLD

WITH the advent of the year 1823, the affairs of the United States had practically fallen into the hands of the sons of the founders of the republic. John Quincy Adams was Secretary of State, and Richard Rush, a statesman of note and son of Benjamin Rush, one of the signers of the Declaration of Independence, was minister to England.

In July, 1818, Lord Castlereagh had told Mr. Rush, in a conversation at the house of the French ambassador, that England had been requested by Spain to mediate with the co-operation of the Holy Alliance between her and her rebellious colonies.[1] Rush answered that the United States would take part in no intervention for peace, if the basis were not the independence of the colonies. Castlereagh was Foreign Secretary of Great Britain. He was dominated by Prince Metternich, Premier of Austria, and consequently had been won over to the schemes of the Holy Alliance. It was expected that he would bring in Great Britain as a member of it, contrary to the general wish of the people of that country.

Lord Castlereagh was arranging his business to attend the Congress of the Holy Alliance at Verona, when on August 12, 1822, in a fit of lunacy, he committed suicide by opening the carotid artery with a pen-knife. George Canning was then made Foreign Secretary to fill the vacancy caused by his death. The new secretary was in sympathy with the masses of the people of England, who were opposed to the Holy Alliance.

The best relations had not existed between the former and the present secretary, for they had fought a duel in 1809.

[1] Von Holst's "Constitutional History of the United States," Vol. I, page 419.

Canning went into office to reverse and set aside all the foreign policies of his unpopular predecessor. He was a man of greater breadth than Castlereagh and a better diplomat. He surveyed the world and saw a method of detaching Russia and France from the Holy Alliance, and thereby saving Great Britain from being crushed between its upper and nether millstones, and he succeeded. He saw an opportunity to thwart France in her hope that by reconquering Spanish America there would be a large division of the conquered territory which would be reclaimed and subdued, and turned over to her. In this he was also successful. He knew of the immense commerce which had been diverted from Spain to Great Britain in consequence of the revolt of the Spanish American colonies, and desired that conditions should continue so as to enable his own country to retain this vast trade. He likewise succeeded in this. In order to accomplish these vast undertakings, unmoved by any love or regard for the Republic of the United States or the Spanish American republics, or republican institutions anywhere, he approached Richard Rush, our minister to Great Britain, and interviewed him in regard to the alleged proposed operations of the Holy Alliance in the Western Hemisphere.

The first communications in writing by Canning to Rush are marked by him "Private and Confidential" and read as follows:

FOREIGN OFFICE, Aug. 20, 1823.

MY DEAR SIR, — Before leaving Town I am desirous of bringing before you in a more distinct, but still in an unofficial and confidential shape, the question which we shortly discussed the last time that I had the pleasure of seeing you.

Is not the moment come when our Governments might understand each other as to the Spanish American Colonies? And if we can arrive at such an understanding, would it not be expedient for ourselves, and beneficial for all the world, that the principles of it should be clearly settled and plainly avowed?

For ourselves we have no disguise.

1. We conceive the recovery of the Colonies by Spain to be hopeless.

2. We conceive the question of the recognition of them, as Independent States, to be one of time and circumstances.

3. We are, however, by no means disposed to throw any impediment in the way of an arrangement between them and the mother country by amicable negotiations.

4. We aim not at the possession of any portion of them ourselves.

5. We could not see any portion of them transferred to any other Power, with indifference.

If these opinions and feelings are, as I firmly believe them to be, common to your Government with ours, why should we hesitate mutually to confide them to each other; and to declare them in the face of the world?

If there be any European Power which cherishes other projects, which looks to a forcible enterprise for reducing the Colonies to subjugation, on the behalf or in the name of Spain; or which meditates the acquisition of any part of them to itself, by cession or by conquest; such a declaration on the part of your government and ours would be at once the most effectual and least offensive mode of intimating our joint disapprobation of such projects.

It would at the same time put an end to all the jealousies of Spain with respect to her remaining Colonies, and to agitation which prevails in those colonies, an agitation which it would be but humane to allay; being determined (as we are) not to profit by encouraging it.

Do you conceive that under the power which you have received recently, you are authorized to enter into negotiation and to sign any Convention upon this subject? Do you conceive, if that be not within your competence, you could exchange with me ministerial notes upon it?

Nothing could be more gratifying to me than to join with you in such a work, and I am persuaded, there has seldom, in the history of the world, occurred an opportunity when so small an effort of two friendly Governments might produce so unequivocal a good and prevent such extensive calamities.

I shall be absent from London but three weeks at the ut-

most; but never so far distant but that I can receive and reply to any communication within three or four days.

I have the honor to be, my dear sir, with great respect and esteem, your obedient and faithful servant,

(Signed) GEORGE CANNING.[1]

R. RUSH, ESQR.

LIVERPOOL, August 23, 1823.

MY DEAR SIR, — Since I wrote to you on the 20th, an additional motive has occurred for wishing that we might be able to come to some understanding on the part of our respective Governments on the subject of my letter; to come to it soon, and to be at liberty to announce it to the world.

It is this. I have received notice, but not such a notice as imposes upon me the necessity of any immediate answer or proceeding — that so soon as the military objects in Spain are achieved (of which the French expect, how justly I know not, a very speedy achievement) a proposal will be made for a Congress, or some less formal concert and consultation especially upon the affairs of Spanish America.

I need not point out to you all the complications to which this proposal, however dealt with by us, may lead.

Pray receive this communication in the same confidence with the former; and believe me with great truth my dear sir, and esteem, your obedient and faithful servant,

(Signed) GEO. CANNING.[2]

R. RUSH, ESQR.

These two letters of Canning show that the initiatory steps which led up to the Monroe declaration were taken by Great Britain. There is a large mass of correspondence which is accessible and which bears more or less on the questions under consideration, but it is too voluminous to give in full. Therefore only such correspondence is here printed as gives a complete historical summary of the Monroe episode.

The selected portion of these papers and this correspondence is as follows:

[1] Massachusetts Historical Society, Vol. XV, pages 415, 416.

[2] Ibid., pages 416, 417.

RICHARD RUSH TO SECRETARY OF STATE.

LONDON, August 19, 1823.

SIR, — When my interview with Mr. Canning on Saturday was about to close, I transiently asked him whether, notwithstanding the late news from Spain, we might not hope that the Spaniards would get the better of all their difficulties. I had allusion to the defection of Baltasteros, in Andalusia, an event seeming to threaten with new dangers the constitutional cause. His reply was general, importing nothing more than his opinion of the increased difficulties and dangers with which, undoubtedly, this event was calculated to surround the Spanish cause.

Pursuing the topic of Spanish affairs, I remarked that should France ultimately effect her purposes in Spain, there was at least the consolation left, that Great Britain would not allow her to go farther and lay her hands upon the Spanish colonies, bringing them too under her grasp. I here had in my mind the sentiments promulgated upon this subject in Mr. Canning's note to the British Ambassador at Paris of the 31st of March, during the negotiations that preceded the invasion of Spain. It will be recollected that the British government say in this note, that time and the course of events appear to have substantially decided the question of the separation of these colonies from the mother country, although their formal recognition as independent states by Great Britain might be hastened or retarded by external circumstances, as well as by the internal condition of those new states themselves; and that as his Britannic majesty disclaimed all intention of appropriating to himself the smallest portion of the late Spanish possessions in America he was also satisfied that no attempt would be made by France to bring any of them under her dominion, either by conquest, or by cession from Spain.

By this we are to understand, in terms sufficiently distinct, that Great Britain would not be passive under such an attempt by France, and Mr. Canning, on my having referred to this note, asked me what I thought my government would say to go hand in hand with this, in the same sentiment; not,

as he added, that any concert in action under it could become necessary between the two countries, but that the simple fact of our being known to hold the same sentiment would, he had no doubt, by its moral effect, put down the intention on the part of France, admitting that she should ever entertain it. This belief was founded, he said, upon the large share of the maritime power of the world which Great Britain and the United States shared between them, and the consequent influence which the knowledge that they held a common opinion upon a question on which such large maritime interests, present and future, hung, could not fail to produce upon the rest of the world.

I replied that in what manner my government would look upon such a suggestion, I was unable to say, but that I would communicate it in the same informal manner in which he threw it out. I said, however, that I did not think I should do so with full advantage, unless he would at the same time enlighten me as to the precise situation in which His Majesty's government stood at this moment in relation to those new states, and especially on the material point of their own independence.

He replied that Great Britain certainly never again intended to lend her instrumentality or aid, whether by mediation or otherwise, towards making up the dispute between Spain and her colonies; but that if this result could still be brought about, she would not interfere to *prevent* it.

Upon my intimating that I had supposed that all idea of Spain ever recovering her authority over the colonies had long since gone by, he explained by saying that he did not mean to controvert that opinion, for he too believed that the day had arrived when all America might be considered as lost to Europe, so far as the tie of political dependence was concerned.

All that he meant was that if Spain and the colonies should still be able to bring the dispute, not yet totally extinct between them, to a close upon terms satisfactory to both sides, and which should at the same time secure to Spain commercial or other advantages not extended to other nations, that Great Britain would not object to a compromise in this spirit

of preference to Spain. All that she would ask would be to stand upon as favored a footing as any other nation after Spain. Upon my again alluding to the improbability of the dispute ever settling down even upon this basis, he said that it was not his intention to maintain such a position, and that he had expressed himself as above rather for the purpose of indicating the feeling which this cabinet still had towards Spain in relation to the controversy, than of predicting results.

Wishing, however, to be still more specifically informed, I asked whether Great Britain was at this moment taking any step, or contemplating any, which had reference to the recognition of these states, this being the point in which we felt the chief interest.

He replied that she had taken none whatever, as yet, but was upon the eve of taking one, not final, but preparatory, and which would still leave her at large to recognize or not, according to the position of events at a future period. The measure in question was to send out one or more individuals under authority from this government to South America, not strictly diplomatic, but clothed with powers in the nature of a commission of inquiry, and which in short, he described as analogous to those exercised by our commissioners in 1817; and that upon the result of this commission much might depend as to the ulterior conduct of Great Britain. I asked whether I was to understand that it would comprehend all the new states, or which of them; to which he replied that, for the present, it would be limited to Mexico.

Reverting to his first idea he again said that he hoped that France would not, should even events in the Peninsula be favorable to her, extend her views to South America for the purpose of reducing the colonies, nominally perhaps for Spain, but in effect to subserve ends of her own; but that in case she should meditate such a policy, he was satisfied that the knowledge of the United States being opposed to it as well as Great Britain, could not fail to have its influence in checking her steps. In this way he thought good might be done by prevention, and peaceful prospects all round increased. As to the form in which such knowledge might be made to

reach France, and even the other powers of Europe, he said in conclusion that that might probably be arranged in a manner that would be free from objection.

I again told him that I would convey his suggestions to you for the information of the President, and impart to him whatever reply I might receive. My own inference rather is, that his proposition was a fortuitous one; yet he entered into it I thought with some interest, and appeared to receive with a corresponding satisfaction the assurance I gave him that it should be made known to the President. I did not feel myself at liberty to express any opinion unfavorable to it, and was as careful to give none in its favor.

Mr. Canning mentioned to me at this same interview that a late confidential dispatch which he had seen from Count Nesselrode to Count Lieven, dated, I think, in June, contained declarations respecting the Russian ukase relative to the northwest coast that were satisfactory; that they went to show that it would probably not be executed in a manner to give cause of complaint to other nations, and that, in particular, it had not yet been executed in any instance under orders issued by Russia subsequently to its first promulgation.

I have the honor to remain, with very great respect, your obedient servant,

(Signed) RICHARD RUSH.[1]

HONORABLE JOHN QUINCY ADAMS,
Secretary of State.

RICHARD RUSH TO SECRETARY OF STATE.

LONDON, September 8th, 1823.

SIR, — I yesterday received another confidential note from Mr. Canning, dated the thirty-first of August, a copy of which I have the honor to enclose herewith for the President's information.

From this note it would appear that Mr. Canning is not prepared to pledge this government to an immediate recognition of the independence of the South American States.

[1] Massachusetts Historical Society, Vol. XV, pages 412 to 415.

I shall renew to him a proposition to this effect when we meet; but should he continue to draw back from it, I shall on my part not act upon the overtures contained in his first note, not feeling myself at liberty to accede to them in the name of my government, but upon the basis of an equivalent. This equivalent as I now view the subject could be nothing less than the immediate and full acknowledgment of those states, or some of them, by Great Britain.

I shall send this dispatch by this evening's mail to Liverpool, and have reason to hope that it will go in a ship that sails on the eighth, whereby there will have been not a moment's delay in putting you in possession of all the correspondence that has passed between Mr. Canning and me, or that now seems likely to pass, upon this delicate subject. I cannot help thinking, however, that its apparent urgency may, after all, be lessened by the turn which we may yet witness in affairs, military and political, in Spain.

I have the honor to remain with very great respect, your obedient servant,

(Signed) RICHARD RUSH.[1]

HONORABLE JOHN QUINCY ADAMS,
Secretary of State.

RICHARD RUSH TO PRESIDENT MONROE.

LONDON, Sept. 15th, 1823.

DEAR SIR, — Mr. Canning was to have returned from his country excursion on the 11th instant, but I have not yet heard if he has got back. In the meantime I am giving myself up to investigations which may the better prepare me for taking in hand the various subjects which I have been instructed to arrange by negotiation with this government. I continue to feel their importance, and can only again promise a diligent and faithful attention to them all.

I shall expect to receive an invitation to an interview from Mr. Canning very shortly after he does return. The topic of Spanish American affairs will doubtless be resumed in our conversations, and it is my intention to urge upon him the

[1] Massachusetts Historical Society, Vol. XV, page 417.

immediate and unequivocal recognition of those new states, by Great Britain. Upon no other footing whatever shall I feel warranted in acceding to the proposals he has made to me. I shall continue to receive in a conciliatory manner his further overtures, should he meditate any; but I am bound to own, that I shall not be able to avoid, at bottom, some distrust of the motives of all such advances to me, whether directly or indirectly, by this government, at this particular juncture of the world.

As regards the principles of traffic, and especially as regards the whole range of her foreign trade, we have, it is true, witnessed of late on the part of this nation an approach to more liberality than has governed her heretofore. It is possible that she may go farther in this policy; a policy irresistibly recommended, and, as she will not scruple herself to admit, forced upon her, by the changing circumstances of the commercial world. But, as regards the principles of political freedom, whether in relation to herself or other states, we shall not find it easy to perceive as yet any such favorable alteration in her conduct. Even if there be indications of a coming change in this latter line too, the motives of it are not at all of a nature to challenge our ready confidence and co-operation. We have seen her wage a war of twenty years at a cost of treasure and blood incalculable, in support of the independence of other states (as she said) when that independence was threatened by a movement proceeding from the people of France. We have seen her at the close of that contest abandoning the great interests of the people of other states, anxious apparently only about monarchs and thrones. We have seen her at the same epoch become in effect a member of the Holy Alliance; though she could not in form, and continue to abet its principles up to the attack on Naples. Even then the separation was but partial, and, true to her sympathy with the monarchial principle, we find her faith pledged and her fleets ready to interpose not on any new extremity of wrong or oppression to the *people* of Naples, but on any molestation to the royal family. Since the present year set in, she has proclaimed and until now cautiously maintained her neutrality under an attack by France upon

the independence of Spain, as unjust, as nefarious, and as cruel, as the annals of mankind can recount, this attack having been made upon the people of a country by a legitimate king, urged on by legitimate nobles. It is thus that Britain has been from the very beginning, positively or negatively, auxiliary to the evils with which this Alliance under the mask of Christianity has already affected the old, and is now menacing the new world.

It is under this last stretch of ambition that she seems about to be roused, not, as we seemed forced to infer after all we have seen, from any objections to the arbitrary principles of the Combination, for the same men are still substantially at the head of her affairs; but rather from the apprehensions which are now probably coming upon her, touching her own influence and standing through the formidable and encroaching career of these continental potentates. She at last perceives a crisis likely to come on, bringing with it peril to her own commercial prospects on the other side of the Atlantic, and to her political sway in both hemispheres. Hence probably some of her recent and remarkable solicitudes. The former war of twenty years more than once shook her prosperity and brought hazards to her existence, though for the most part she was surrounded by allies. A second war of like duration with no ally for her in Europe might not have a second field of Waterloo for its termination. Such are the prospective dangers that possibly do not escape her.

The estimate which I have formed of the genius of this government, as well as of the characters of the men who direct, or who influence, all its operations, would lead me to fear that we are not as yet likely to witness any very material changes in the part which Britain has acted in the world for the past fifty years, when the cause of freedom has been at stake; the part which she acted in 1774 in America, which she has since acted in Europe, and is now acting in Ireland. I shall therefore find it hard to keep from my mind the suspicion that the approaches of her ministers to me at this portentous juncture for a concert of policy which they have not heretofore courted with the United States, are bot-

tomed on their own calculations. I wish that I could sincerely see in them a true concern for the rights and liberties of mankind. Nevertheless, whatever may be the *motive* of these approaches, if they give promise of leading to good *effects*, effects which the United States from principle and from policy would delight to hail, I grant that a dispassionate and friendly ear should be turned to them, and such shall be my aim in the duties before me.

In exhibiting the foregoing summary of the opinions which have been impressed upon me during my public residence in this quarter, I would not have it inferred that I intend they should comprehend the imputation of any sinister motives towards the United States, as peculiar to the British cabinet as it is now composed. I am so far from thinking so, that I believe the present cabinet to be as well disposed towards us permanently as any party in England, and at this moment more cordially so than any other party. I believe that if Earl Grey and his associates were to come into power tomorrow that we should not get better terms, if as good, in our approaching negotiation, should it come on, as from Mr. Canning and his associates. I would say the same thing of a cabinet to be composed of such men as Sir Francis Burdett and Mr. Hobhouse; and should it happen that Mr. Canning and Lord Liverpool ever become actively and publicly in their official places the advocates of a policy more intimate and friendly in all respects towards the United States than any hitherto adopted (a contingency not impossible, no matter from what motives arising) I do not fear to predict that we shall in the end see the whigs and reformers the decided opponents of such a policy. As regards the beneficent principle of abolishing privateering, for example, I should little expect to see the whigs its patrons, since I have heard Sir James Macintosh denounce it in Parliament since I have been here.

I remain, dear sir, with the highest respect, your faithful and attached servant,

(Signed) RICHARD RUSH.[1]

[1] Massachusetts Historical Society, Vol. XV, pages 420 to 422.

RICHARD RUSH TO SECRETARY OF STATE.

LONDON, Sept. 20th, 1823.

SIR, — Notwithstanding what I have said of the public advantage which (as I have presumed to think and still think) would be likely to result from giving me a colleague in the negotiation should it all come on, I shall, of course, prepare myself to go through it alone should the President decide not to send one out.

But as in your number seventy-two, I am informed that I shall probably have one in the event of Mr. Gallatin's return to Europe, or if a successor to him should be appointed, I have concluded to pause until I hear again from you on this point. In my conference with Mr. Canning the day before yesterday, our attention was so exclusively engrossed by the South American subject, that that of the negotiation was not mentioned by him. When, however, I had finished reading the reflections of your number seventy-two, I stated to him what you had written to me respecting a colleague, and that as I had therefore some reason to expect one, contingently, I should deem it proper and even incumbent upon me to wait a while until this contingency was decided, or until I heard something more of it from my government, as I probably should soon.

I found Mr. Canning unprepared as yet to designate in what manner, or to what extent, the negotiations would be taken up by this government. He barely hinted at the number and complication of the subjects which I had laid before him.

Mr. Hughes reached London on the night of the sixth instant, and went away on the twelfth. His short stay, added to his own engagements as well as mine whilst he did stay, made it impossible for me to impart to him, in personal interviews, the various and voluminous matter embraced in my late instructions. Nevertheless, understanding your request in this respect as contained in your number seventy-two, to mean, in its spirit, that he ought in some way to be afforded the opportunity by me of being made acquainted with it all, it appeared that nothing was left but to

send him the instructions themselves. I accordingly transmitted them all, by a careful hand, to his lodgings, on the morning of the ninth instant, that they might remain by him for perusal at his own convenience, and they were all safely returned to me on the day of his departure. They consisted of your dispatches from number 64 to 72 inclusive, with all their enclosures.

I have the honor to remain, etc., etc.,

(Signed) RICHARD RUSH.[1]

HONORABLE JOHN QUINCY ADAMS,
Secretary of State.

RICHARD RUSH TO SECRETARY OF STATE.

LONDON, October 2, 1823.

SIR, — I had another interview with Mr. Canning on the twenty-sixth of last month, at Gloucester Lodge, his residence a short distance from town.

The immediate motive of his inviting me to this interview was to show me a dispatch which he had just received from Sir Charles Stewart, the British Ambassador at Paris, which had a bearing upon our late conference respecting Spanish America. It recounted a short conversation which he had with our chargé d'affaires at that Court, Mr. Sheldon, the purport of which was, that Sir Charles having taken occasion to mention to Mr. Sheldon the projects of France and the Alliance upon Spanish America, Mr. Sheldon replied that the government of the United States was aware of them all, and disapproved of them. Mr. Canning, inferring that this reply of our chargé d'affaires probably rested upon some instructions or information from the government of the United States, also inferred that it might lend its aid towards my consent to his proposals of the 20th of August. He added, that the dispatch of Sir Charles Stewart had proceeded from no previous communication whatever from him (Mr. Canning) upon the subject, but had been altogether written on his own motion.

I replied that what instructions or information the Lega-

[1] Massachusetts Historical Society, Vol. XV, pages 419, 420.

tion of the United States at Paris might have received upon this subject, I could not undertake to say with confidence; but that I scarcely believed any had reached it which were not common to me. That certainly I had none, other than those general instructions which I had already mentioned to him, evidently never framed to meet the precise crisis which he supposed to be at hand respecting Spanish America, but under the comprehensive spirit of which I was nevertheless willing to go forward with him in his proposals upon the terms I had stated, in the hope of meeting this crisis.

He now declared that this government felt great embarrassments which had not been common to the United States, and asked whether I could not give my assent to his proposals on a promise by Great Britain of *future* acknowledgment. To this intimation I gave an immediate and unequivocal refusal. Further conversation passed between us, though chiefly of a desultory nature (it shall be reported at a future time), and the conference ended by his saying that he would invite me to another interview in the course of a few days.

Having waited until now without hearing from him, I have concluded to write you thus much of what passed on the 26th, without more delay. It does not fall within any of my intentions to accede to Mr. Canning's overtures but on the basis of a *previous* and explicit acknowledgment of the new states by this government in manner as formal and ample in all respects as was done by the United States, whose act of acknowledgment will be the example upon which I shall stand. Even then, the guarded manner in which alone my consent will be given when I come to use the name of my government, will, I trust, be found to free the step from all serious exception on my part, should I finally take it.

I cannot be unaware that in this whole transaction the British cabinet are striving for their own ends; yet if these ends promise in this instance to be also auspicious to the safety and independence of all Spanish America, I persuade myself that we cannot look upon them but with approbation. England it is true has given her countenance and still does,

to all the evils with which the Holy Alliance have afflicted Europe; but if she at length has determined to stay the career of their formidable and despotic ambition in the other hemisphere, the United States seem to owe it to all the policy and to all the principles of their system, to hail the effects whatever may be the motives of her conduct.

Mr. Canning at the close of the above interview, expressed his desire that, in informing my government of his communications to me, I would treat them as entirely confidential, as well the verbal as the written; the more so if no act resulted from them. That no act will result from them, is my present belief.

I have the honor to remain, with very great respect, your obedient servant,

(Signed) RICHARD RUSH.[1]

RICHARD RUSH TO SECRETARY OF STATE.

LONDON, Oct. 10th, 1823.

SIR, — At the conference with Mr. Canning the day before yesterday, he said nothing of Spanish American affairs, except barely to remark at parting that he should send off consuls to the new states very soon, perhaps in the course of this month. I asked whether *consuls* or commercial agents. He said he believed they might as well be called by the former name, as they would be invested with the powers and charged with the duties that belonged to the consular office. I asked if they would be received in that capacity by the governments between which and Great Britain no political or diplomatic relations had yet been formed. He said that this he did not know with any certainty; he rather supposed that they would be received.

I saw him again at the foreign office yesterday, and he said not one single word relative to South America, although the occasion was altogether favorable for resuming the topic, had he been disposed to resume it. I therefore consider that all further discussion between us in relation to it is now at an

[1] Massachusetts Historical Society, Vol. XV, pages 422 to 424.

end. I had myself regarded the question involved in the discussion as essentially changed by the arrival of the news of the convention of the 4th of July between Buenos Ayres and the commissioners from Spain; and of the complete annihilation of the remnant of the royal forces in Colombia under Morales, on the third of August, both which pieces of intelligence have reached England since the twenty-sixth of September, the date of my last conference with Mr. Canning on the South American subject.

The termination of the discussion between us may be thought somewhat sudden, not to say abrupt, considering how zealously as well as spontaneously it was started on his side. As I did not commence it, it is not my intention to revive it. If I had actually acceded to his proposals, I should have endeavored to have placed my conduct in a satisfactory light before the President. The motives of it would not, I flatter myself, have been disapproved. But as the whole subject is now before my government, and as I shall do nothing further in it without instructions, I should deem it out of place to travel into any new reasons in support of a step not in fact taken.

Mr. Canning not having acceded to my proposal, nor I to his, we stand as we were before his first advance to me, with the exception only of the light which the intervening discussion may be supposed to have shed upon the dispositions and policy of England in this important matter. It appears that, having ends of her own in view, she has been anxious to facilitate their accomplishment by invoking my auxiliary offices as the minister of the United States at this court; but as to the independence of the new states of America, for their own benefit, that this seems quite another question in her diplomacy. It is France that must not be aggrandized, not South America that must be made free. The former doctrine may fitly enough return upon Britain as part of her permanent political creed; but not having been taught to regard it as also incorporated with the foreign policy of the United States, I have forborne to give it gratuitous succor. I would have brought myself to minister to it incidentally on this occasion, only in return for a boon which it was in the power

of Britain herself to have offered; a boon that might have closed the sufferings and brightened the prospects of those infant Republics emerging from the new world, and seeming to be connected as by a great moral chain with our own destinies.

Whether any fresh explanations with France since the fall of Cadiz may have brought Mr. Canning to so full and sudden a pause with me, I do not know, and most likely never shall know if events so fall out that Great Britain no longer finds it necessary to seek the aid of the United States in furtherance of her schemes of counteraction as against France or Russia. That the British cabinet, and the governing portion of the British nation, will rejoice at heart in the downfall of the constitutional system in Spain, I have never had a doubt and have not now, so long as this catastrophe can be kept from crossing the path of British interests and British ambition. This nation in its collective, corporate capacity has no more sympathy with popular rights and freedom now, than it had on the plains of Lexington in America; than it showed during the whole progress of the French revolution in Europe, or at the close of its first great act, at Vienna, in 1815; than it exhibited lately at Naples in proclaiming a neutrality in all other events, save that of the safety of the royal family there; or, still more recently, when it stood aloof whilst France and the Holy Alliance avowed their intention of crushing the liberties of unoffending Spain, of crushing them too upon pretexts so wholly unjustifiable and enormous that English ministers, for very shame, were reduced to the dilemma of speculatively protesting against them, whilst they allowed them to go into full action. With a king in the hands of his ministers, with an aristocracy of unbounded opulence and pride, with what is called a house of commons constituted essentially by this aristocracy and always moved by its influence, England can, in reality, never look with complacency upon popular and equal rights, whether abroad or at home. She therefore moves in her natural orbit when she wars, positively or negatively, against them. For their own sakes alone, she will never war in their favor.

In the conference with Mr. Canning at Gloucester Lodge on the 26th of last month, he informed me that this government had sent out three commissioners to Mexico with objects such as I have already stated in a former communication to you. Should the course and progress of events after their arrival in Mexico, render recognition by Great Britain advisable, one of these commissioners was furnished, he said, with contingent credentials to be minister, another would be constituted secretary of Legation, and the third consul. He also said that these appointments, as well as those of commercial agents or consuls, whichsoever they might be, to go to the new states generally, would probably have the effect of inviting in the end further approaches from them all, to an intercourse with Great Britain, which approaches, should they be made, might be met by Great Britain, according to circumstances.

It may perhaps afford room for conjecture what has led to the preference of Mexico over the other ex-colonies for such a provisionary diplomatic representation. I have heard a rumour, that an eye to some immediate advantage from the mines of that country has been the motive. Whilst the independence of Mexico has been of more recent establishment, it seems not less true, that her advances to internal stability have been less sure than we have seen in some of the other new states. Mr. Canning himself in one of our conversations thought fit to select Mexico as affording a prominent illustration of interior disquiet. Whether then the above rumour is the key to this early preference, or the proximity of this new state to territories of the United States — or what considerations may have led to it, a little more time will probably disclose. It may rest on the mere fact of her greater population and riches.

Mr. Canning also informed me that orders would be given by this government to its squadron in the West Indies, to protect the trade of British subjects (to the extent of making reprisals if necessary) with the Spanish colonies, in case the license for this trade which the Cortes granted in January last was not renewed. It will be recollected that the same decree of the Cortes in that month which settled, under a

threat of reprisals, the British claims upon Spain for captures, laid open the trade of the ultra marine provinces to Britain for ten years. This period of time being upon the eve of expiring, the intention of Britain is, to revive the orders for reprisals by her squadron, unless the time be extended. So much for a measure against Spain in her present extremity. It will next be seen that her ex-colonies come in for their share of this prompt and summary species of remedy of which Britain is setting other nations the example, for Mr. Canning also informed me that if the Colombian government did not make speedy reparation for the alleged aggression committed upon a British ship by the fort at Bocachica at the entrance of the bay of Carthagena, orders would be given to blockade that port. He remarked that the blockade would be confined merely to Bocachica as a measure of local redress, other satisfaction having been refused, and that it was intended that an explanation to this effect should be given to the government of Colombia, through a neutral minister residing at that government. He added that his wish was, that the minister of the United States should be the channel of communication. In the detail of circumstances that belong to this alleged aggression Mr. Canning did not go. From the account I have had of it from the Colombian minister in this city, Mr. Ravenga, I infer and believe that the offence was on the side of the British ship.

The subject of blockade being mentioned, Mr. Canning asked me if I knew in what manner my government would be likely to view the turning off of our frigate by the French squadron from before Cadiz, with our ministers Mr. Nelson and Mr. Rodney on board. I said that I did not, and in turn asked him how England would act under similar circumstances. His first reply consisted of an expression of his satisfaction that England had had the good fortune to escape from such a difficulty at this juncture, and that the question had fallen into such good hands as ours! But next I asked, how a British blockading force would treat a neutral frigate under the same circumstances. He said he would be quite candid in his answer; that all things considered, it did

not become England *to reason down maritime or belligerent doctrines;* that the case was an unusual one; he recollected in modern history but one instance of a besieged king, which was that of the king of Denmark; that had a neutral ship of war, a Russian frigate for example, attempted to enter the harbour of Copenhagen when the British fleet was investing it, the Captain alleging that he was carrying a letter to the Danish king, he must say that he thought the British admiral would not have permitted the frigate to pass for such a purpose; he even inclined to believe that a neutral vessel of war would not have been allowed to pass under such circumstances, for any purpose. These were his sentiments, though he spoke, he said, without any full or exact examination of the subject.

I replied that neither was I master of the subject, though awake to the interest of it; that I had, from a personal curiosity been turning in a cursory manner to some of the admiralty books in the hope of getting light upon it, but as yet could only say that I had found nothing. I was disposed to think that book learning upon the point would be found scanty, and that it would have to be decided by recurring to principles. Nothing further was said upon the subject, and I must own that I draw no very favorable augury to parts of our coming negotiations, from as much as fell from him whilst we were upon it.

Throughout the progress of our discussion on Spanish American affairs, I thought it proper to apprize Mr. Ravenga, confidentially, of all that was going on. I take this opportunity of saying that I have had equal pleasure in all my personal intercourse with this gentleman, and in my attempts to subserve the interests of his country.

At the close of my interview with Mr. Canning I took occasion to say to him that, if no objections existed to the request, I should be glad to be furnished with a copy of the note from Count Nesselrode to Count Lieven relative to the Russian ukase, of which I have made mention in my number 323. He replied that he would have been happy to comply with my request, but that having asked Count Lieven for permission to give out a copy of the note, the

Count had said that he did not feel authorized to grant a copy with that view.

I have the honor to remain, with very great respect, your obedient servant,

(Signed) RICHARD RUSH.[1]

The following note was written by Mr. Rush to Mr. Monroe, October 22, 1823:

"The Spanish American topic has been dropped by Mr. Canning in a most extraordinary manner. Not another word has he said to me on it since the 26th of last month, at the interview at Gloucester Lodge, which I have described in my dispatches to the department, and he has now gone out of town to spend the remainder of this, and a part of the next month. I shall not renew the topic, and should he, which I do not expect, I shall decline going into it again, saying that I must now wait until I hear from my government."[2]

RICHARD RUSH TO SECRETARY OF STATE.

LONDON, Nov. 26, 1823.

SIR, — I had an interview with Mr. Canning on the twenty-fourth instant, at the foreign office, when he afforded me some information on Spanish American affairs which I now proceed to lay before you.

He began by saying that our conversations on this subject at Gloucester Lodge (on the 26th of September) having led him to conclude that nothing could be accomplished between us, owing to the ground which I had felt it necessary to take respecting the immediate recognition of the late colonies by Great Britain, he had deemed it indispensable as no more time was to be lost, that Great Britain should herself, without any concert with the United States, come to an explanation with France. He had, accordingly, seen the Prince de Polignac, the French Ambassador at this court, and stated to him that as it was fit that the two courts should understand each other, distinctly, on the Spanish American ques-

[1] Massachusetts Historical Society, Vol. XV, pages 424 to 428.
[2] Ibid., page 428.

tion, it was his intention to unfold the views of Great Britain in an official note to him, the prince, or to Sir Charles Stewart, the British Ambassador at Paris, to be communicated to the French Court; or in the form of an oral conference with the Prince himself, — whichever of these modes the latter might indicate as preferable. The Prince taking some interval to decide, it was finally decided to adopt the method of oral conference, with the precaution of making a minute of the conversation; so that each government might have in its possession a record of what passed, to be previously assented to as correct on both sides.

In pursuance of this course Mr. Canning held several conferences with the Prince de Polignac, in the early part of October, in which each party unfolded the views of their respective governments, on this branch of public affairs, and agreed upon the written memorandum or paper which was to embody them.

This paper Mr. Canning said was of a nature which did not leave him at liberty to offer me a copy of it; but he had invited me to the foreign office, for the purpose of reading it to me, having only since his return to town last week exhibited it to the ministers of other powers, and not yet to all of them.

He accordingly read the paper to me. When he had closed, I said to him, notwithstanding what had previously fallen from him about not giving a copy of it, that its whole matter was so interwoven with our past discussions, verbal and written, upon the same subject, that I could not help thinking that my government would naturally expect a copy, as the regular termination of a subject, the previous stages of which it had been my special duty to make known to my government. To this remark he replied that he would willingly furnish me with a copy of that part of it which embodied the views of this government, but that, where those of France were at stake, he did not feel that he had the same discretion; upon which footing my remarks was left without more commentary.

I am therefore relieved from the task of recapitulating to you the contents of that portion of this paper of which I may

expect to receive a copy. The points which chiefly arrested my attention, as new to me (and these I now communicate without waiting for the paper itself), were, that Great Britain declares that she will recognize the independence of the colonies, first, in case France should employ force in aid of their re-subjugation; or, secondly, in case Spain herself, reverting to her ancient system, should attempt to put a stop to the trade of Britain with those colonies. But it is not said what Britain will do beyond recognizing their independence, her ulterior conduct being left to be shaped, as we may infer, by ulterior events. She claims a right to trade with the colonies, on the footing of a permission given by Spain herself, so long back as 1810, as an equivalent for British mediation, offered at that day between the parent state and the colonies. As regards the form of government most desirable for the colonies as independent states, a preference is expressed for *monarchy*, could it be practicable.

With the exception of the foregoing points, I recollect nothing material in the paper as regards the policy or intentions of Great Britain, not heretofore made known in my communications upon this subject, beginning with that of the 19th of August, and continued in my numbers 325, 326, 330, 334, and 336. The letter of Mr. Canning to Sir Charles Stewart of the 31st of March, 1823, is still assumed as the basis of the policy of Great Britain.

To report with the requisite fidelity, the views of France, from this paper read over but once to me, I might find an office more hazardous, from the fact of my having had less acquaintance beforehand with them. I shall, therefore, not attempt to do so, with any detail, from a fear that I might err. I have also the confident hope that an entire copy of it, although not given to me, will get to your hands, through some other channel. I am not able for my own share to discern the adequate motives for wrapping it up in such secrecy, and have little doubt but that even the public journals of Europe will, before very long, enlighten us, with sufficient precision, upon all its contents. The London journals of the present week have themselves made a beginning towards this end.

Having said thus much, I will proceed in my endeavors to state the main points of this paper where it was illustrative of the policy of France.

1. It declares that France, like England, regards the recovery of the colonies by Spain as hopeless.

2. It expresses the *determination* (I think that was the very word) of France, not to assist in attempting their reconquest.

3. It expresses the desire of France to see the dispute made up by amicable arrangements, between the mother country and the colonies.

4. It disclaims for France all idea of deriving exclusive commercial advantages from the colonies, saying that, like England, she only asks to be placed on the footing of the most favored nation, after Spain.

5. It knows not what there is to be recognized as independent in the colonies, France regarding all government there as a mockery. The reasoning employed is to this effect.

6. It labors to show the necessity of assembling a congress, to which England should be a party (which she declines), to bring about the benevolent end of reclaiming those remote regions from their past errors, and making up the dispute between them and the parent state, upon terms satisfactory to both, as the policy worthy of both!

These were the material points of the paper, as I collected them. I am sensible that I state some of them in a way to start further questions as to their true meaning, questions which I could myself raise, without at this moment being able to resolve them. Whether, among other things, France is to abstain from all kinds of aid to Spain (force she says she will not employ), does not appear quite clear to my recollection. The apprehensions of Britain however seem to be fully allayed, at least for the present, on the score of French aggrandizement in Spanish America, and it is certain that she does not now anticipate any speedy interruption of the peace of Europe from this cause.

Whether her apprehensions on this score were ever real, notwithstanding Mr. Canning's advances to me, or whether

France, from uneasiness at a prospect of collision with Great Britain, has, herself, receded, for a while, from her ambitious projects, and only for a while, are points around which there may be some obscurity. The language which she now holds to Britain is obviously at variance with that which her manifestoes breathed when her troops entered Spain in the spring. Her duplicity, therefore, in this whole peninsular war, from her memorable avowals respecting the cordon sanitaire, to the present time, appears to have been as signal as her ambition.

In the course of the paper on the British side, there is allusion to the interest that the United States have in the question, which is met, on the side of France by a declaration that she does not profess to be acquainted with our views on the subject. It is in the part which relates to the assembling of a congress. I might probably have made myself more accurately master of the whole paper, by recurring, in conversation, to a few of the passages after Mr. Canning had finished reading it; but I was precluded the opportunity of doing this from his being pressed (whether by his previous wishes or otherwise, I will not say), with another appointment, a very few moments after he had closed.

Notwithstanding the tranquillizing professions of France, it would seem that the sentiments of Russia (if we may so infer from Pozzo di Borgo's address to Ferdinand, which has just come before the world), are, that the Holy Alliance consider themselves as still bound to keep a superintending eye upon the affairs of Spain, throughout all her dominions.

I have the honor to remain with great respect, your obedient servant,

(Signed) RICHARD RUSH.[1]

RICHARD RUSH TO SECRETARY OF STATE.

LONDON, December 27, 1823.

SIR,— In my letter No. 346 of the 26th of November, I had the honor to mention that I requested of Mr. Canning a copy of the paper which he read to me embodying the views of

[1] Massachusetts Historical Society, Vol. XV, pages 430, 433.

England and France relative to Spanish America, and that he replied that he would do so of as much of it as related to England, but that over the portion of it that contained the exposition of the views of France he did not feel that he was at liberty to exercise the same option. The attempt to draw this line seemed at the time unnecessary, and perhaps would have been found not very easy in practice, and accordingly in the interview which I had with Mr. Canning on the twelfth of this month referring again to the above paper, and to the request I had made of him to be furnished with a copy of the whole of it, he said that he now felt himself able to comply, the French government having furnished other states with a copy of it; and he promised to send me the entire copy in a few days. I have abstained from mentioning this promise to you in my intermediate communications, preferring to wait until the paper itself reached me.

I have this day received it accompanied by a note from Mr. Canning, dated the 13th instant, and headed "Confidential" in which he informs me that I am at liberty to communicate it to my government, but only as a confidential paper, not to be made public in the United States. A note of a few lines from Mr. Planta dated yesterday, explains the delay which has taken place in sending it to me. Another note from Mr. Canning, dated also on the 13th instant, and headed "private and confidential" was received at the same time, in which he reverts to what passed between us in the summer on this Spanish American question, states his reason for having gone on to act without my concurrence, and intimates a hope that neither the United States nor Great Britain will now be called upon to lift their voice against the designs that were recently apprehended. In this latter note it will also be perceived what renewed anxiety is manifested that the whole subject may be treated by my government as entirely confidential. I have replied in two separate notes of this date to both of Mr. Canning's, and enclose copies of all the correspondence. It will be seen in Mr. Canning's notes that he describes the paper as having been read to me on the 12th instant. This is a mistake. He read it to me on the 24th of November, as my communication to you of the 26th of that

month shows. The mistake is not material, and is only noticed lest it should otherwise be inferred that the paper was read to me a second time, which was not the case.

It is plain in my belief, that this extraordinary solicitude for secrecy springs from an unwillingness in this government to risk the cordiality of its standing with the Holy Alliance to any greater extent than can be avoided. All serious danger to Spanish America being now at an end, I do not at present see what there is to prevent a return to that effective amity between Great Britain and that alliance which has heretofore existed. Events the most recent and authoritative justify us in saying, that no attempt upon the liberties of Europe, will essentially throw Britain off from the connexion, or impair her coequal allegiance to the monarchial principle; and the authentic paper of her government which I this day transmit, indicates that the danger of disunion from the Spanish American question has had its source not in any concern of Britain at fresh strides of Tyranny in the Alliance, but in an ambitious uneasiness in her Councils at French or other Continental interposition reaching a point which threatened at last to trench upon the commercial empire of England, an empire over which her statesmen never cease to keep the most jealous watch. As regards the essential rights of the Spanish American States, their internal polity and organization, it will be seen from the paper, that the foreign Secretary of England permits the most revolting doctrines to be laid down by the Ambassador of France without one word of dissent or disapprobation. Some of the questions that started to my mind when I undertook to report the contents of this paper to you from having heard it read, are not entirely solved, I must say, on a more deliberate examination of it.

In my interview with Mr. Canning on the 12th of this month, he said that the Continental powers had intended to hold a Congress, not, as they now alleged, to coerce the late Colonies, but to assist Spain with their deliberations and advice towards recovering their supremacy over them; but that Spain's proposals had been of a nature to frustrate all their wishes. Their offer to assist her as above had been lately made through the French Ambassador at Madrid.

Spain, through the same channel, had simply said in reply, that France, Russia, and the other allies had nothing to do but to furnish ships, troops, and money for the reconquest, which being effected, Spain was ready to requite them all by a grant of equivalent advantages to be drawn from the Colonies. France had sent these proposals back to Spain as not fit to be entertained, and thus as Mr. Canning seemed to infer, has vanished the project of the Congress. One other scheme only remained, he said, for reducing the Colonies, more wild however, as he added, than all former ones. This was by an association in the form of a private company to be composed of capitalists and bankers in sufficient numbers, and deriving a charter from Spain, which company with their funds were to hire ships and troops for the reconquest and seek their remuneration in certain exclusive rights of trade to be granted to them, and also in the transfer to them of an interest in the mines of Mexico and Peru. Some modification of this visionary scheme has since made a figure in the journals of Europe, serving, in this country at least, to excite the public derision.

But the most decisive blow to all despotic interference with the new States is that which it has received in the President's Message at the opening of Congress. It was looked for here with extraordinary interest at this juncture, and I have heard that the British packet which left New York the beginning of this month was instructed to wait for it and bring it over with all speed. It is certain that this vessel first brought it, having arrived at Falmouth on the 24th instant. On its publicity in London, which followed as soon afterwards as possible, the credit of all the Spanish American securities immediately rose, and the question of the final and complete safety of the new States from all European coercion is now considered as at rest.

I have the honor to remain, with very great respect, your obedient servant,

(Signed) RICHARD RUSH.[1]

[1] Massachusetts Historical Society, Vol. XV, pages 434, 436.

DANIEL SHELDON TO JOHN QUINCY ADAMS.

PARIS, October 30, 1823.

SIR, — Soon after the date of my dispatch of the 18th of this month, I was informed by the British Embassador that he had conferred with the French Ministers (M. de Chateaubriand and M. de Villele) on the subject of the Spanish American Colonies. He told me that his object had been to prevent them from engaging hastily in any measures relating to those Colonies, and that he had insisted that whatever measures might be taken should be adopted in common and after consultation among the powers really interested in the question, which were England, France, and the United States alone, the interest of the great Continental Powers of Europe being, on this particular point only, of a secondary nature. The French Ministers assured him that they would undertake nothing by themselves, and that the subject would be brought forward for mutual consideration. In the Journal des Débats, the Ministerial paper, of to-day, will be found an article, confirming entirely this principle. It is, however, most probable that France will insist upon the concurrence of the Continental Powers and will reject entirely that of the United States. The subject has never been mentioned to me in any way whatever by any of the French ministers. The motive for this course on their part is obvious enough; the United States having acknowledged the independence of the Colonies, they cannot be expected to concur in or assent to any measures not having that result for their basis; and they are not yet prepared here to go that length, though it is difficult to conceive that England would consent to any plan which would again place the Colonies under the dominion of Spain. At all events, no steps are likely to be taken hastily or immediately in relation to those countries; and, indeed, the affairs of the mother Country will yet require for some time all the cares of this Government. The Article of the Journal des Débats announces that Councils of moderation have at last made some impression on the King. The course he was taking alarmed not only the Ministry, but the Politicians

here, who are many degrees higher toned than the Ministry. Even Russia is obliged to insist upon moderation, and Pozzo, who is gone to Madrid, will exercise the influence of that Power to soften down the system the King is disposed to adopt, and which, from his untractable nature, there is great difficulty in persuading him to abandon.

I have the honor to be, with great respect, Sir, your obedient and very humble servant,

(Signed) D. SHELDON, JR.[1]

GEORGE CANNING TO RICHARD RUSH.

STORRS, WESTMORLAND, Aug. 31, 1823.

MY DEAR SIR, — I have now to acknowledge the receipt of your answer to both my letters; and whatever may be the practical result of our confidential communication, it is an unmixed satisfaction to me that the spirit in which it began on my part, has been met so cordially on yours.

To a practical result eminently beneficial I see no obstacle; except in your want of specific powers, and in the delay which may intervene before you can procure them; and during which events may get before us.

Had you felt yourself authorized to entertain any formal proposition, and to decide upon it, without reference home, I would immediately have taken measures for assembling my colleagues in London, upon my return, in order to be enabled to submit to you as the act of my government all that I have stated to you as my own sentiments and theirs. But with such a delay in prospect, I think I should hardly be justified in proposing to bind ourselves to any thing positively and unconditionally; and think on the other hand that a proposition qualified either in respect to the contingency of your concurrence in it, or with reference to possible changes of circumstances, would want the decision and frankness which I should wish to mark our proceeding.

Not that I anticipate any change of circumstances, which could vary the views opened to you in my first letter: — nor

[1] From the Monroe Papers in the State Department, Washington, D.C. Massachusetts Historical Society, Vol. XV, page 429.

that, after what you have written to me in return, I apprehend any essential dissimilarity of views on the part of your Government.

But we must not place ourselves in a position in which, if called upon from other quarters for an opinion, we cannot give a clear and definite account not only of what we think and feel, but of what we have done or are doing, upon the matter in question. To be able to say, in answer to such an appeal, that the United States and Great Britain concur in thinking so and so would be well. To anticipate any such appeal by a voluntary declaration to the same effect would be still better.

But to have to say that we are in communication with the United States but have no conclusive understanding with them, would be inconvenient — our free agency would thus be fettered with respect to other Powers; while our agreement with you would be yet unascertained.

What appears to me, therefore, the most advisable is that you should see in my unofficial communication enough hope of good to warrant you in requiring Powers and Instructions from your Government on this point, in addition to the others upon which you have recently been instructed and empowered; treating that communication not as a proposition made to you, but as the evidence of the nature of a proposition which it would have been my desire to make to you, if I had found you provided with authority to entertain it.

I have the honor to be, with the greatest esteem and respect, my dear sir, your obedient and faithful servant,

(Signed) GEO. CANNING.[1]

On December 1, 1823, Mr. Rush wrote to Mr. Monroe as follows:

"The conduct of England on this question [South America] as it seems to me, has turned out to be devoid of all justice, of all magnanimity, and even of all true foresight and policy.

"She at last declares that she will recognize, not because

[1] Massachusetts Historical Society, Vol. XV, pages 418, 419.

the new states are de facto independent and entitled to it; but she issues her *intentions* in the light of a *threat* to be executed on the contingent misdeeds of France or Spain."[1]

Mr. Canning wrote Mr. Rush the following note, marked like all the others "private and confidential."

GLOUCESTER LODGE, Dec. 13, 1823.

MY DEAR SIR, — In transmitting to you a copy of the memorandum of a Conference between the French Ambassador and me, upon the affairs of Spanish America (which I had the honor to read to you yesterday), I am naturally led to revert to what passed between us in the summer upon that subject.

Had you had it in your power, at that time, to concur in any joint consideration of the measures to be adopted, you know how happy I should have been to be enabled to propose such a concert. But time, and the pressure of events did not allow of an indefinite postponement of a matter which was liable, from day to day, to be brought into immediate discussion by other Powers. Our step was therefore taken within a few weeks after the last interchange of confidential letters between us. The result is before you. You will see that we were not unmindful of your claim to be heard; but I flatter myself that neither you nor we shall have to lift our voice against any of the designs which were apprehended a few months ago.

I am sure you will feel, Sir, and I trust it will be felt by your Government that the confidence which I individually reposed in you is sacred; and that our intercourse in August not having led to any practical results, nor become matter of discussion between our respective governments will be considered as having passed between two individuals relying upon each other's honour and discretion.

I communicate the paper to you in such a way as to relieve you from any difficulty in transmitting it to your Government.

I have the honour to be, with great esteem and regard, my dear sir,

Your obedient and faithful servant,

(Signed) GEORGE CANNING.[2]

[1] Massachusetts Historical Society, Vol. XV, page 433.

[2] Ibid., pages 433, 434.

Mr. Monroe wrote the following note to Mr. Jefferson:

OAKHILL, Oct. 17th, 1823.

DEAR SIR, — I transmit to you two dispatches, which were received from Mr. Rush, while I was lately in Washington, which involve interests of the highest importance. They contain two letters from Mr. Canning, suggesting designs of the holy alliance, against the Independence of South America, and proposing a co-operation, between Great Britain and the United States, in support of it against the members of that alliance. The project aims in the first instance, at a mere expression of opinion, somewhat in the abstract, but which it is expected by Mr. Canning, will have a great political effect, by defeating the combination. By Mr. Rush's answers, which are also inclosed you will see the light in which he views the subject, and the extent to which he may have gone. Many important considerations are involved in this proposition. 1st. Shall we entangle ourselves, at all, in European politics and wars, on the side of any power, against others, presuming that a concert by agreement, of the kind proposed, may lead to that result? 2nd. If a case can exist, in which a sound maxim may, and ought to be departed from, is not the present instance precisely that case? 3rd. Has not the epoch arrived when Great Britain must take her stand, either on the side of the monarchs of Europe, or of the United States, and in consequence, either in favor of Despotism or of liberty, and may it not be presumed that, aware of that necessity, her government has seized on the present occurrence, as that which it deems the most suitable to announce and mark the commencement of that career.

My own impression is that we ought to meet the proposal of the British government, and make it known that we would view an interference on the part of the European powers, and especially an attack on the Colonies by them, as an attack upon ourselves, presuming that if they succeeded with them, they would extend it to us. I am sensible however of the extent and difficulty of the question, and shall be happy to have yours, and Mr. Madison's opinions on it. I do not wish to trouble either of you with small objects, but the present

one is vital, involving the highest interests, for which we have so long and so faithfully and harmoniously contended together. Be so kind as to enclose to him the dispatches, with an intimation of the motive.

With great respect, etc.,
(Signed) JAMES MONROE.[1]

John Quincy Adams, Secretary of State, stated to Mr. Rush the position of the United States in the following letter:

DEPARTMENT OF STATE, WASHINGTON, Nov. 30, 1823.

SIR, — The Instructions contained in my letter dated yesterday were given with a view to enable you to return an explicit answer to the proposals contained in Mr. Secretary Canning's confidential letter to you of the 20th of August last. The object of this dispatch is to communicate to you the views of the President with regard to a more general consideration of the affairs of South America; to serve for your government, and to be used according to your discretion, in any further intercourse which you may have with the British Cabinet on this subject.

In reviewing the proposals of Mr. Canning and the discussion of them in your Correspondence and Conferences, the President has with great satisfaction adverted to them, in the light of an overture, from the British Government, towards a confidential concert of opinions and of operations between us and them, with reference to the countries heretofore subject to Spain in this Hemisphere. In the exposition of the principles of the British Government, as expressed in the five positions of Mr. Canning's letter, we perceive nothing with which we cannot cheerfully concur, with the exception of that which still considers the recognition of the Independence of the Southern Nations as a question of Time and Circumstances. Confident as we are that the Time is at hand when Great Britain, to preserve her own consistency, must come to this acknowledgment, we are aware that she may perhaps be desirous of reserving to herself the *whole* merit of it with the South Americans, and that she may finally yield more

[1] From the Jefferson Manuscripts in the State Department, Washington, D.C.

readily to the decisive act of recognition, when appearing to be spontaneous, than when urged upon her by any foreign suggestion. The point itself has been so earnestly pressed in your correspondence and conferences with Mr. Canning, and is so explicitly stated in my dispatch of yesterday as indispensable, in our view, towards a co-operation of the two Governments upon this important interest, that the President does not think it necessary that you should dwell upon it with much solicitude. The objections exhibited by Mr. Canning against the measure as stated particularly in your dispatches are so feeble, and your answers to them so conclusive, that after the distinct avowal of our sentiments, it may perhaps best conduce to the ultimate *entire* coincidence of purposes between the two Governments to leave the choice of Time for the recognition, which Mr. Canning has reserved, to the exclusive consideration of the British Ministers themselves.

We receive the proposals themselves, and all that has hitherto passed concerning them, according to the request of Mr. Canning, as *confidential.* As a first advance of that character which has ever been made by the British Government, in relation to the foreign affairs between the two Nations, we would meet it with cordiality, and with the true spirit of confidence, which is candor. The observations of Mr. Canning in reply to your remark, that the policy of the United States has hitherto been entirely distinct and separate from all interference in the complications of European Politics, have great weight and the considerations involved in them had already been subjects of much deliberation among ourselves. As a member of the European community Great Britain has relations with all the other Powers of Europe which the United States have not, and with which it is their unaltered determination not to interfere. But American Affairs, whether of the Northern or of the Southern Continent can henceforth not be excluded from the interference of the United States. All questions of policy relating to them have a bearing so direct upon the Rights and Interests of the United States themselves, that they cannot be left at the disposal of European Powers animated

and directed exclusively by European principles and interests. Aware of the deep importance of united ends and councils, with those of Great Britain in this emergency, we see no possible basis on which that harmonious concert of measures can be founded, other than the general principle of South American Independence. So long as Great Britain withholds the recognition of that, we may, as we certainly do, concur with her in the aversion to the transfer to any other power of any of the colonies in this Hemisphere, heretofore, or yet belonging to Spain; but the principles of that aversion, so far as they are common to both parties, resting only upon a casual coincidence of interests, in a National point of view selfish on both sides, would be liable to dissolution by every change of phase in the aspects of European Politics. So that Great Britain, negotiating at once with the European Alliance and with us concerning America, without being bound by any permanent community of principle (but only by a casual coincidence of interest with us), would still be free to accommodate her policy to any of those distributions of power and partitions of Territory which have for the last half-century been the ultima ratio of all European political arrangements. While we, bound to her by engagements commensurate only with the momentary community of our separate particular interests, and self-excluded from all negotiation with the European Alliance, should still be liable to see European Sovereigns dispose of American Interests, without consulting either with us, or with any of the American Nations, over whose destinies they would thus assume an arbitrary superintendence and control.

It was stated to you by Mr. Canning that in the event of a proposal for a European Congress, to determine upon what measures relating to South America he should propose, that you, as a Representative of the United States, should be invited to attend at the same; and that in the case either of a refusal to give you that invitation or of your declining to accept it if given, Great Britain would reserve to herself the right of declining also to attend. The President approves your determination not to attend, in case the invitation should be given; and we are not aware of any circumstances

under which we should deem it expedient that a Minister of the United States should be authorized to attend at such a Congress if the invitation to that effect should be addressed to this Government itself. We should certainly decline attending unless the South-American Governments should be invited to attend by their Representatives, and as the Representatives of Independent Nations. We would not sanction by our presence any meeting of European Potentates to dispose of American Republics. We shall if such meeting should take place, with a view to any result of hostile action, solemnly protest against it, and against all the melancholy and calamitous consequences which may result from it. We earnestly hope that Great Britain will do the same.

It has been observed that through the whole course of the Correspondence and of the Conferences, between Mr. Canning and you, he did not disclose the specific information upon which he apprehended so immediate an interposition of the European Allies in the affairs of South America, as would have warranted or required the measure which he proposed to be taken in concert with you, before this Government could be advised of it. And this remark has drawn the more attention, upon observing the apparent coolness and apparent indifference with which he treated the subject at your last conferences after the peculiar earnestness and solemnity of his first advances. It would have been more satisfactory here, and would have afforded more distinct light for deliberation, if the confidence in which his proposals originated had at once been entire. This suggestion is now made with a view to the future; and to manifest the disposition on our part to meet and return confidence without reserve.

The circumstances of Mr. Gallatin's private concerns having induced him to decline returning to Europe at this time, and the posture of Affairs requiring in the opinion of the President the immediate renewal of negotiations with France, Mr. James Brown has been appointed to that Mission, and is expected very shortly to proceed upon it.

I am with great respect, etc.,

(Signed) JOHN QUINCY ADAMS.

Mr. Jefferson's reply to Mr. Monroe is as follows:

"Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe.

"Our second, never to suffer Europe to intermeddle with Cis-Atlantic affairs — America, North and South, has certain interests, distinct from Europe and peculiarly its own. She should therefore have a system of her own, separate and apart from that of Europe. While the last is laboring to become the domicile of despotism, our endeavors should surely be to make our hemisphere that of freedom.

"One nation most of all could disturb us in this pursuit. She now offers to lead, aid and accompany us in it. By acceding to her proposition, we detach her from the bonds, bring her mighty weight into the scales of free government, and emancipate a continent at one stroke, which might otherwise linger along in doubt and difficulty.

"But the consequences in which the present proposition might engage us, should be in its outcome not hers but ours. It is to maintain our principle not to depart from it. But I am clearly of Mr. Canning's opinion, that it will prevent instead of provoking war."[1]

Thereupon Monroe, in his annual message of December 2, 1823, announced the following propositions, which constitute the Monroe Doctrine:

"It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. — It need scarcely be remarked that the result has been so far very different from what was then anticipated. Of events in that quarter of the globe, with which we have so much intercourse and from which we derive our origin, we have always been anxious and interested spectators.

"The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic.

[1] Massachusetts Historical Society, Vol. XV, pages 389, 392. From the Adams Manuscripts.

"In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparations for our defense.

"With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers.

"The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments; and to the defense of our own which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens and under which we have enjoyed unexampled felicity, this whole nation is devoted.

"We owe it, therefore, to candor and to the amicable relations existing between the United States and those Powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.

"With the existing colonies or dependencies of any European power, we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition towards the United States.

"In the war between those new governments and Spain, we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this government, shall make a corresponding change on the part of the United States indispensable to their security.

"The late events in Spain and Portugal show that Europe is still unsettled. Of this important fact no stronger proof

can be adduced than that the allied powers should have thought it proper, on any principle satisfactory to themselves, to have interposed by force in the internal concerns of Spain.

"To what extent such interposition may be carried, on the same principle, is a question in which all independent powers whose governments differ from theirs are interested, even those most remote, and surely none more so than in the United States.

"Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the governments de facto as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm and manly policy, meeting in all instances the just claims of every power, submitting to injuries from none.

"But in regard to those continents, circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren if left to themselves, would adopt it of their own accord.

"It is equally impossible, therefore, that we should behold such interposition in any form with indifference. If we look to the comparative strength and resources of Spain and those new governments, and their distance from each other, it must be obvious that she can never subdue them.

"It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course."[1]

This message was received with great approval by the press of England. It clearly appears from the tenor of their editorial comments that the hand of Mr. Canning in inspiring this message was unseen in the transaction. The Monroe Doctrine was but a visible part of a secret alliance contem-

[1] "Messages of the Presidents," by J. D. Richardson, Vol. II, page 217.

plated if not actually formed between Great Britain and the United States. The general public was not aware of this fact until the correspondence concerning the Venezuelan boundary line between Lord Salisbury and Mr. Olney took place during the last administration of President Cleveland.

On January 20, 1824, Henry Clay, Speaker of the House, introduced the following resolution in committee of the whole on the state of the Union:

"Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the people of these States would not see, without serious inquietude, any forcible intervention by the Allied Powers of Europe, in behalf of Spain, to reduce to their former subjection those parts of the continent of America which have proclaimed and established for themselves, respectively, independent governments, and which have been solemnly recognized by the United States."[1]

This resolution was never called up. Monroe's declaration failed to receive legislative confirmation soon after its announcement.

Alexander I, who was the real head and the mainstay and support of the Holy Alliance, died in 1825 amidst conspiracies against him in favor of a freer government, and his brother Nicholas was literally compelled to fight his way to the throne.

The revolution in France of July, 1830, demonstrated that the Holy Alliance was a thing of the past. Its mission ended with the efforts to secure a secret alliance between Great Britain and the United States which culminated in the promulgation of the Monroe declaration, but its unannounced death was not known, especially in the Western Hemisphere, until many years afterwards, as the history of those times will show.

[1] "The Monroe Doctrine," by George F. Tucker, page 21.

CHAPTER III

METTERNICH, CASTLEREAGH, CANNING

THE American and French revolutions and the war of Europe with Napoleon gave a tremendous impulse in favor of constitutional liberty in Europe. When Napoleon fell, there was a prospect of the introduction of constitutional government throughout a great part of Europe. King Frederick William stimulated the efforts of the Prussian people against France by the hopes of liberty, and had definitely promised them a constitution and a general assembly. The czar had determined to introduce parliamentary life into the kingdom of Poland, and even hoped to extend it after some interval to Russia. The Federal Act drawn up for Germany at the Congress of Vienna declared that in every State within the German league a constitution should be established. Against this liberal movement of the age, Prince Metternich, who held the office of Chancellor and Prime Minister of Austria, resolutely set his face.

Napoleon proposed an armistice in a letter of January 19, 1814. Metternich replied that he was convinced that it would lead to nothing.

Napoleon ridiculed this letter and said, "Metternich fancies he controls the destinies of Europe, while he is under the control of all the other powers." [1]

Whether or not there was a grain of truth in this remark at the date it was made, is problematical. It is certain, however, that from that time until about the year 1825, Metternich was the master spirit in European diplomacy.

While the Holy Alliance, as before stated, had its origin in religious zeal and enthusiasm, the Czar of Russia did not comprehend nor foresee its reactionary tendencies.

[1] New American Cyclopedia, Vol. XI, page 431.

Metternich was entirely given over to the advocacy of the absolute form of monarchial government. He presided at the Congress of Vienna and at the Congress of the Holy Alliance which convened at Troppau in October, 1820. Alexander, who had been a liberal and reformer in the early part of his reign, under the dominating influence of Metternich became devoted to absolutism and was completely won over to his views.

Lord Castlereagh, the second Marquis of Londonderry, took his seat in the Congress of Vienna as British plenipotentiary. It was soon discovered that Metternich had mastered him, and he supported the former's measures throughout the Congress.

Castlereagh also participated in the Congress of the Holy Alliance at Aix-la-Chapelle in the year 1818, though he may not have actually taken his seat as a member of that body; but it was commonly believed among the people that he had signed the document. His struggle was to put Great Britain in harmony with the other European powers. This led him to desire that Great Britain should join the Holy Alliance.

Mr. Canning and Prince de Polignac held several conferences early in October, 1823, in which the latter made the following declaration in substance: that his government believed it to be utterly hopeless to reduce Spanish America to the state of its former relations to Spain; that France disclaimed, on her part, any intention or desire to avail herself of the present state of the colonies, or of the present situation of France towards Spain, to appropriate to herself any part of the Spanish possessions in America, or to obtain for herself any exclusive advantages; and that, like England, she would willingly see the mother country in possession of superior commercial advantages, by amicable arrangements, and would be contented like her, to rank, after the mother country, among the most favored nations.

Lastly, that she abjured, in any case, any design of acting against the colonies by force of arms.[1]

[1] Massachusetts Historical Society, Vol. XV, pages 431 and 432, and Note, page 428.

After Mr. Rush had rejected Mr. Canning's proposal for a joint declaration of the two governments against the Holy Alliance, Mr. Canning told Prince de Polignac that Great Britain would not permit any interference in Spanish American affairs. This called forth from the prince the foregoing reply. On October 22, 1823, Mr. Rush wrote to Mr. Monroe a letter of which the following is an extract:

"The Spanish American topic has been dropped by Mr. Canning in a most extraordinary manner. Not another word has he said to me on it since the 26th of last month, at the interview at Gloucester Lodge, which I have described in my dispatches to the department, and he has now gone out of town to spend the remainder of this, and part of next month. I shall not renew the topic, and should he, which I do not expect, I shall decline going into it again, saying that I must wait until I hear from my government."[1]

The cooling of Mr. Canning's enthusiasm in respect to some form of joint or co-operative action by Great Britain and the United States has been attributed to this conference between Mr. Canning and Prince de Polignac, the Ambassador of France to Great Britain, which has been quoted.

This no doubt was one of the reasons which influenced Mr. Canning to let the matter drop, but it was evidently not the entire cause, as contemporary European history shows. The additional reasons may be found in the change of policy of Russia toward Greece, which was brought about by Mr. Canning.

When Greece revolted against Turkey in 1821, Metternich took the side of Turkey and secured the co-operation and pledge, both of Castlereagh and Alexander I of Russia, to sustain him in his policy against Greece, notwithstanding the fact that Russia had been intriguing with Greece for fifty years to secure a revolt. Castlereagh had promised Metternich that he would be present and participate in the Con-

[1] Massachusetts Historical Society, Vol. XV, pages 431 and 432, and Note, page 428.

gress of the Holy Alliance at Verona in the year 1822, but he committed suicide while making his preparations to attend.

Canning succeeded him as Foreign Secretary, and among his first measures was to side resolutely with Greece in her efforts to throw off the yoke of Turkey. This drove Alexander to assume at first and Metternich to assume throughout, an attitude of neutrality in the struggle of Greece with Turkey. The allied fleets of England, France, and Russia annihilated the Turkish and Egyptian fleets in the bay of Navarino in the early days of the reign of the Czar Nicholas, and the independence of Greece was thus secured.

Canning had sent the Duke of Wellington, in 1822, to the Congress of Verona. The "Iron Duke," as he was then called, to the surprise of everybody held aloof and would have no part nor lot in the proceedings.

His invincible squares had destroyed France at Waterloo and made it possible for the continental sovereigns to frame the Holy Alliance, and the surprise amounted to consternation when contrary to all expectations he put Great Britain in the category of being an open enemy of this Alliance. It was a bold stroke of diplomacy that the continental sovereigns had not anticipated.

Canning thereupon, operating through Richard Rush and John Quincy Adams, became the real author of the Monroe declaration.

If Great Britain had persisted in the reactionary policy of Castlereagh, it would have resulted in her destruction as one of the leading powers of Europe. It would have reduced her, like Spain at the present time, to a position as inferior and inconsequential as that of England herself under the rule of the Plantagenets. Castlereagh and Canning were rivals and enemies. They were both friends of Pitt, who had made use of their services to counteract the fiery eloquence of Fox and Sheridan.

Byron in his "Irish Avatar" describes Castlereagh as "A wretch never named but with curses and jeers."

Among the poet's epigrams were the following:

"Oh, Castlereagh! thou art a patriot now,
Cato died for his country, so did'st thou;
He perish'd rather than see Rome enslaved,
Thou cut'st thy throat that Britain may be saved!"

. . . . . .

"So Castlereagh has cut his throat! The worst
Of this is, — that his own was not the first."

. . . . . .

"So *He* has cut his throat at last! — He! Who?
The man who cut his country's long ago."

Byron's epitaph on Castlereagh is vulgar by innuendo and therefore is not quoted, but it points a moral.

Castlereagh, the aristocrat, hated the people, and the people cordially hated him. Canning, the son of an actress, by favoring constitutional liberty as against absolutism, put his country in the front rank of greatness and strengthened the United States of America in its foreign policy, which afterwards drove the house of Hapsburg from the throne of Mexico and shielded the struggling republics of this hemisphere from being crushed by gigantic combinations of despotism.

France had never been compensated for the invasion of Spain under the Duke of Angoulême, whereby Spain was remanded from a constitutional monarchy to an absolute one under the dictates of the Holy Alliance. There are some historical facts tending to show that France had expected to receive her compensation by territorial acquisitions in Spanish America. Mr. Stapleton, in his "Life of Canning,"[1] makes the following assertion:

"By the declarations of the Prince de Polignac in this important conference, it is not unfair to conclude, if the projects of the French Cabinet were, as they were supposed to have been, to have indemnified France for the expenses of the invasion of Spain by territorial acquisitions in Spanish America, that those projects were in a great degree laid aside in consequence of the firm and decided tone taken by Mr. Canning.

[1] Vol. II, pages 32 and 33.

"But whether they were abandoned or not, the conviction of the French Government that it was utterly hopeless to reduce Spanish America to the state of its former relations to Spain being avowed, and the design of acting in any case against the colonies by force of arms being abjured, were of the utmost value in preparing the way for the ultimate measure of recognition on which, in the event of their being gratified, Mr. Canning had resolved."

The dates when these conferences took place between Mr. Canning and the Prince de Polignac are fixed in the letter of Mr. Rush of November 26, 1823. Mr. Rush says Canning had several conferences with the prince on the Spanish-American question in the early part of October, and that they agreed on a written memorandum which embodied their views. This paper, Mr. Rush says, was read to him by Mr. Canning. He gives a few points in the conclusions of France as they were settled by the Prince de Polignac with Mr. Canning in these early October interviews.

Among other things the paper contained these propositions:

1. It declared that France, like England, regarded the recovery of the colonies by Spain as hopeless.

2. It expressed the determination of France not to assist Spain in attempting their reconquest.

These events took place prior to the use of steam and telegraphy as a means of communication between governments and capitals, so that there were long periods of time consumed in discussing subjects between nations.

Upon a full view of the correspondence, it is conclusively shown that all the dangers from the Holy Alliance in this hemisphere had passed away nearly two months prior to the time when Monroe made his famous declaration.

Mr. Canning secured the alliance of France and Russia with Great Britain for the independence of Greece against Turkey and Egypt. He was striving, not only to retain the extensive commerce which had been given to England by the revolt of Spanish America, but also to break up the Holy Alliance itself, by rushing to the front a new order of things to occupy the

attention of Europe. He succeeded in doing so by his alliances on behalf of Greece.

Up to the time he entered upon this masterly policy, affairs were drifting so that soon Great Britain must either have joined the Alliance, or fought it. This latter alternative, of course, meant that Great Britain must have fought the balance of Europe. It required boldness, audacity, and the most tactful diplomacy, but Mr. Canning was equal to every emergency.

CHAPTER IV

PANAMA CONGRESS

SIMON BOLIVAR, who was president of the republic of Colombia, originated a project to have a congress of the South American republics convene at Panama with a view to unite in mutual defence against European aggression. Plenipotentiaries were to meet at Panama, on June 22, 1826, for the purpose of forming a treaty. The enemies of Bolivar said that he really aimed at the erection of the whole of South America into one federative republic, with himself as its dictator.

John Quincy Adams, then President of the United States, and Henry Clay, his Secretary of State, became enthusiastic in favor of sending ambassadors to the Panama Congress to represent the United States. Accordingly, Adams, on December 26, 1825, sent in a message suggesting the propriety of having the United States represented at the Panama Congress, using the following language:

"An agreement between all the parties represented at the meeting, that each will guard by its own means against the establishment of any future European colony within its borders, may be found advisable. This was more than two years since announced by my predecessor to the world as a principle resulting from the emancipation of both the American continents.

"It may be so developed to the new Southern nations that they will all feel it as an essential appendage to their independence."[1]

The protracted debates which followed form quite an epoch in our nation's history, and the opposition to the policy of the administration in respect to sending any ministers pleni-

[1] "Messages of the Presidents," Vol. II, page 339.

potentiary to the Panama Congress was led by Messrs. Benton of Missouri, Berrien of Georgia, Cobb of Georgia, Hayne of South Carolina, Van Buren of New York, John Randolph of Virginia, and Brent of Louisiana.

Their speeches deal very largely with the questions pertaining to the effect of the measure on the peace and happiness of that portion of the union which then maintained the institution of slavery. They could see, or thought they saw, that Cuba was to be taken from Spain by the combinations in the Western Hemisphere against that nation. As a result, negro insurrections would take place in Cuba, and owing to its proximity to our shores, where slavery existed, similar uprisings would follow here. Their opposition did not rest alone on this objection. They were opposed in principle to "entangling alliances" as an abstract question, and moreover, some of the speakers pointed out that such a mongrel population of races would be wanting in that stability and high character which should be expected among allies of this country. Mr. Benton said that "we could have no association with republics which had black generals in their armies and mulatto senators in their Congresses."[1]

John Randolph said that "the principle of the American Revolution and the principle that is now at work in the peninsula of South America and in Guatemala and New Spain, are principles as opposed as light and darkness, principles as opposed as a manly and rational liberty is opposed to the orgies of French bacchanals of the revolution, as opposite as a manly and rational piety is to fanaticism." Time has certainly vindicated the opinion of Mr. Randolph. The Latin American republics from that day to this have alternated between anarchy and military despotism.

Both Mr. Adams and Mr. Clay were considered by the opposition as being favorable to a treaty at Panama, both offensive and defensive, in which all the republics of the Western Hemisphere would unite. Both disclaimed any purpose to commit this government to any policy inconsistent with its position of

[1] "Life of Thomas H. Benton," by President Roosevelt, page 65.

neutrality between Spain and her colonies, and both disclaimed the idea of attempting anything in the way of a confederation against European aggression beyond what each republic might do for itself, and in its own interest; and yet their hope seems to have been at least to make the message and doctrine of Monroe the doctrine and policy of all the republics in this hemisphere, which would be a policy necessarily leading up to some sort of co-operation among them under certain circumstances.

Mr. Clay was called upon to explain a paragraph in his letter to Mr. Poinsett, our minister to Mexico, in which he said:

"Only about three months ago, when Mexico thought France was meditating an invasion of Cuba, the Mexican government at once demanded through you, from the government of the United States, the fulfilment of the memorable pledge given by the president in his message of December, 1823, to Congress."

Mr. Clay explained the opinion here expressed in his report of March 29, 1826, to the House of Representatives, by saying that the United States stood pledged not to a foreign power, but only to themselves.

While the opposition did not accept this explanation as sufficient, they were inclined to accept the assurances of Mr. Adams, that under no circumstance would any pledges be entered into beyond the reciprocal assurance of the powers represented that they would execute the principles of the Monroe Doctrine, each within its own territory and with its own resources.

Adams, in his message of December 26, 1825, had nominated Richard C. Anderson of Kentucky and John Sergeant of Pennsylvania to be envoys extraordinary and ministers plenipotentiary to the congress of the American nations at Panama. After prolonged delays and debates in Congress upon the matter, their nomination was confirmed by the Senate, the division of the vote being on party and not sectional lines. Congress made an appropriation to defray their expenses.

While Bolivar originally invited only the Spanish American republics to send delegates to the Panama Congress, yet Santander, the vice-president of Colombia and at the time its acting president, extended the invitation to all the American governments, including the black republic of Hayti, to neutrals as well as to belligerents. He explains his view fully in a letter to Bolivar, dated March 6, 1825. In this letter he refers to the proposed work of the Panama Congress as the most stupendous that has ever been conceived since the fall of the Roman Empire.[1] Santander seems to have expressed the popular notion about this great convention of the ambassadors of all the governments of the Western Hemisphere.

The Abbé de Pradt, a French political writer, championed it in his work called "Congress de Panama," in which he said:

"The Congress of Panama will be one of the greatest events of our times, and its effects will be felt to the remotest posterity."[2]

The congress assembled at Panama on June 22, 1826. The only American nations therein represented were Colombia, Central America, Peru, and Mexico. Colombia was represented by Pedro Gual and Pedro Briceno Mendez; Central America by Pedro Malina and Antonio Larrozabal; Mexico by José Mariano Michelena and José Dominguez. Chile had promised to send ambassadors, but failed to comply, owing to civil war. Buenos Ayres refused her co-operation.

One of our ambassadors, Mr. Anderson, then minister to Bogota, died at Cartagena on his way from Bogota to Panama.

Owing to the delays caused by the prolonged debates in Congress concerning the Panama mission, the confirmation of the two appointments by the Senate, and the time occupied in voting an appropriation to defray their expenses, Mr. Sergeant was late in starting, and failed to reach his destination until after the congress had adjourned. The commissioners who were present entered into certain covenants, establishing the

[1] 29 Niles Register, page 184.

[2] Bancroft's "History of Central America," page 510; Pradt's "Congress de Panama," page 171.

contingent of land and naval forces each nation was to contribute to the projected league against the Holy Alliance. They likewise agreed upon the points to be submitted for the acceptance of the several allies.

They then adjourned to meet again at Tacubaya, a village near the City of Mexico. Not a single resolution or measure adopted by that convention was ever carried into practice. Thus the greatest work of all the ages came to nought.

Bolivar expressed his disgust at the miserable outcome with great emphasis in a letter to General Paez, and then came home and turned his attention to the suppression of another revolution in Colombia.

CHAPTER V

BRITISH HONDURAS

LONG prior to the war of the revolution and after the decline of piracy in the "Sea of the Antilles," an English settlement called the Balize, or Belize, was established on the eastern coast of Yucatan. Some authors claim that it derived its name from a Scotch freebooter named Wallace, pronounced by the Spaniards Walice, or Balice. Others claim that its name comes from the French *balise*, a beacon. The French derivation is probably correct, because the freebooters used to rendezvous along the coast at this point, and when pursued would take refuge behind the dangerous reefs dotted with bays, where larger vessels found it difficult to penetrate. They raised signals and beacons for the guidance of their own crafts, and in the days of piracy it was for them a veritable place of beacons.

This English settlement of Balize was engaged in cutting logwood for dye-stuffs and in exporting it to foreign countries. The territory belonged to Spain and constituted a part of the Spanish province of Yucatan.

While Spain did not interfere much with the local government of this English colony of wood-choppers, yet they were only tenants of hers, and were compelled to be controlled by her system of export and import laws, and especially those against smuggling, as well as many other internal regulations. They were required among other things to confine themselves within certain limits. This latter regulation was not faithfully kept, as they extended from time to time the boundaries assigned them. The aggressive character of this colony, as well as the Spanish dislike of it, caused much trouble between it and the occupants of the adjacent territory. An extended reference to these troubles is unnecessary.

The treaties and negotiations of Great Britain in respect to this colony should be examined with a view of determining what the rights of Great Britain are or have been in that territory now known as British Honduras.

The treaty between England and Spain of 1763 provided that all fortifications which English subjects had erected in the Bay of Honduras and other places of the territory of Spain in that part of the world should be demolished. England having thus conceded and recognized the title of Spain in and to all this territory, nevertheless obtained from Spain, in this same treaty of 1763, the following concession:

"And his Catholic majesty shall not permit his Britannic majesty's subjects, or their workmen to be disturbed or molested, under any pretext whatever, in their said places of cutting and loading logwood; and for this purpose they may build without hindrance, and occupy without interruption, the houses and magazines necessary for their families and effects, and his C. M. assures to them the full enjoyment of these advantages and powers in the Spanish coasts and territories, as above stipulated, immediately after the ratification of the present treaty."[1]

To insure the observance of this treaty, the British government sent out Sir William Burnaby, who in connection with the Spanish authorities settled the limits within which the English were to confine their wood-cutting operations. He drew up a code for the colony under the title of the Burnaby Code, by which this colony was governed for a long period.

Following the treaty of 1763, the English colonists continued to make fresh encroachments on the adjacent territory, and they became deeply engaged in smuggling and other illicit practices. The Spaniards, alarmed and indignant at this misconduct, organized a large force, and on September 15, 1779, suddenly attacked and destroyed the establishment, taking the inhabitants prisoners to Merida and afterwards to Havana, where many of them died. Those who survived in

[1] (Balize.) New American Cyclopedia, Vol. II, page 527.

1782 were liberated and allowed to go to Jamaica. Strong representations were made to the British government for redress, but the allegations of the Spaniards were found to be so well supported that these were dismissed.

For two or three years the establishment seems to have been abandoned. In 1783, however, some of the old settlers returned with a considerable body of new adventurers, and again became actively engaged in cutting wood and exporting it.

On September 3, 1783, a new treaty was signed between Great Britain and Spain, which set forth that in order "to prevent as much as possible, all causes of complaint and misunderstanding heretofore occasioned by cutting wood for dyeing or logwood; and several English settlements having been formed and extended under this pretense upon the Spanish Continent, it is expressly agreed that his Britannic majesty's subject shall have the right of cutting, loading, and carrying away logwood in the district lying between the rivers Wallis, or Balize, and Rio Hondo, taking the course of these two rivers for unalterable boundaries, &c."[1]

This article of the treaty further provided that the concessions therein contained "should not be considered as derogating from the rights of sovereignty of the King of Spain over the district in question."

Although the terms of this treaty were very explicit, yet affairs did not proceed favorably. Accordingly, a new treaty was made in 1786, between Great Britain and Spain, which recited that the King of Spain made this treaty "from sentiments of friendship toward his Britannic majesty and the British nation."[2]

By this treaty of 1786, Spain granted an extent of territory additional to that of 1783, embracing the territory between the river Siboon, or Jabon, and the river Balize. The total grants collectively embraced the entire coast between the river Siboon in latitude 17° 20′ on the South, and the Rio Hondo on the North, a coast line of about ninety miles with the adjacent islands and bays.

[1] New American Cyclopedia, Vol. II, pages 527, 528. [2] Ibid.

But these extended limits were coupled with still more rigid restrictions. This treaty of 1786 had a stipulation to the effect that the English might cut and export wood, or any other fruits of the earth purely natural and uncultivated, but they "were expressly prohibited from ever using this permission for establishing any plantation of sugar, coffee, &c., or manufactures of any kind,"[1] and "the lands in question being indisputably acknowledged to belong of right to the King of Spain, no settlement of that kind by them or by the population which should follow could be allowed."[2]

Another stipulation of this treaty prohibited the erection of all fortifications and the formation of any system of government, civil or military.

These settlers being at so great a distance from England were not very exact in the observance of either the letter or spirit of the treaty of 1786. They gave great annoyance to their Spanish neighbors, who on the breaking out of the war between the two countries eagerly availed themselves of this event to attempt the complete annihilation of the establishment.

The settlers strongly fortified a small island off the harbor called St. Georges Coy, and with the aid of the English sloop-of-war Merlin defeated a force of two thousand men who had concentrated at Campeachy under General O'Neill, who had set sail for Balize and arrived July 10, 1798.

This was the last attempt to dislodge the English, who took new courage from their success. Partisan writers have referred to this defeat of the Spaniards as an act of conquest, thereby permanently establishing British sovereignty over the territory. But those who take this view entirely forget or wilfully overlook the important fact that in 1814, Great Britain by a new treaty with Spain revived and re-enacted all the provisions of the treaty of 1786.[3] Moreover, the acts of parliament as late as the year 1819, always refer to the Balize in such terms as to show that it is not within the dominions of Great Britain.

[1] New American Cyclopedia, Vol. II, page 528.
[2] Ibid.
[3] Ibid.

The acts of parliament in 1817 and 1819 relating to Balize always refer to it as "a settlement for certain purposes in the possession and under the protection of his majesty, but not within the territory and dominions of his majesty."

The "certain purposes" are those set forth in the treaty of 1786, and revived and re-enacted in 1814. Later on and after the Spanish American provinces had achieved their independence of Spain, Great Britain, not knowing within which republic the territory of Balize might fall, sought to secure her rights, thereby incorporating the provisions of the treaty of 1786 into all of her treaties with the new states. It was in fact incorporated in her treaty with Mexico in 1826.[1]

The treaty of 1786 was included in the draft of a treaty which Great Britain submitted to Señor Zabadua, the representative of the Republic of Central America in London in 1831, but which failed for want of adequate powers on the part of that representative.[2] This same treaty was also incorporated in the one proposed by Great Britain to New Granada in 1825, but it was stricken out by New Granada on the ground that it related to territory beyond and never within her jurisdiction.

Great Britain has, therefore, no rights in Balize beyond those which were conveyed by the treaties already quoted, and politically Balize is still a settlement for "certain purposes under the protection, but not within the dominion of the British Crown."

The nature and character of Great Britain's title to Balize, or what is now called British Honduras, does not seem to have been considered in the year 1850, when John M. Clayton of Delaware, as Secretary of State in President Taylor's cabinet, agreed upon the terms of the treaty with Sir Henry Bulwer, the British Ambassador.

[1] New American Cyclopedia, Vol. II, page 528.
[2] Ibid.

CHAPTER VI

BAY ISLANDS

THE name of Bay Islands has been applied to the islands of Ruatan, Guanaja, Helena, Morat, and Utila, in the Bay of Honduras, since the year 1850. These islands possess excellent harbors, and their possession is a commanding one from a commercial and naval point of view. They were once an asylum for the pirates who infested that locality, who from that point sailed out to prey upon the commerce, principally of Guatemala, Cuba, and San Domingo.

In treating of the subject of Balize, or British Honduras, we have gone over the same ground in part that pertains to the Bay Islands.

The treaties with Spain of 1763, 1783, and 1786, and then the revival and re-enactment of the treaty of 1786 by the treaty of 1814, all applied to the Bay Islands, except that they were not recognized as British colonies, and no rights were ever stipulated for British subjects in these islands.

The treaty of 1783 provided that the English should abandon the continent as well as all islands whatever dependent upon it. This treaty excepted Balize, where the English colonists were granted certain privileges, as we have already seen in another chapter. These privileges embraced certain islands contiguous to the coast of Balize, but they did not embrace this more distant group of islands which were not occupied by British subjects for the purposes of cutting logwood.

When the treaty of 1786 was made, Spain insisted on more stringent terms, which were incorporated, by which it was provided that the English should evacuate the country of the Mosquitos as well as the continent in general, and the islands adjacent without exception. England did in fact abandon not only these islands, but the whole coast, excepting Balize.

The Bay Islands after the treaty of 1786 remained in the undisturbed occupation of Spain, until the year 1822, when the Central American provinces achieved their independence. At this time the Bay Islands were under the jurisdiction of the Republic of Honduras.

The title of the republic was undisputed and clear after Honduras entered the confederation of Central America, and down to 1830, when the superintendent of the British established at Balize made a descent on Ruatan and seized it on behalf of the British crown, in consequence of its refusal to surrender certain runaway slaves. This act was afterwards disavowed by the British government. In 1838, a similar trouble arose, which was also disavowed by the British government in 1844.

In the year 1850, Captain Jolly, commanding the English ship-of-war Bermuda, visited these islands. He called a meeting of the inhabitants and declared them under the sovereignty of Great Britain. This seizure was vigorously protested against by Chief-Justice William Fitzgibbon, and one of the grounds of his protest was that it was in violation of the treaties of Great Britain with Spain in 1786 and 1814. He also alleged that the seizure of these islands was in violation of the treaty of the United States with Great Britain of 1850, which had been made but a short time before, and which is known as the Clayton-Bulwer treaty.

He further protested on the ground that the sovereignty of the islands was incontestably vested in the State of Honduras. In spite of this protest, backed by the guns of the "Bermuda," the authorities appointed by Sir Charles Grey were duly installed on the islands.

On March 20, 1852, a royal warrant was issued, constituting the islands a colony of Great Britain, under the title of the Colony of the Bay Islands. Expostulations were at once addressed by the government of the United States of America to that of Great Britain, and an elaborate correspondence was carried on through the years 1854, 1855, and 1856, between Mr. Buchanan, American Minister in London, and Lord Clarendon, but without any satisfactory result.

The position assumed by Lord Clarendon was that these islands were dependencies of Balize. This argument was effectually overthrown by the production of a document in parliament by Sir George Grey, British Colonial Secretary, dated November 23, 1836, in which the limits and dependencies of Balize were officially set forth. The Bay Islands were not included in these dependencies, nor did the limits of Balize, as defined by Sir George Grey, approach within sixty miles of any of the islands. But not only did the discussions between Mr. Buchanan and Lord Clarendon fail of any approach to a satisfactory adjustment, but the controversy began to assume a menacing form.

Great Britain hastily augmented her naval forces in the West Indies, and her example was promptly followed by the United States, and for a time the peace of the two countries turned upon the discretion of a few naval commanders acting under orders which were necessarily vague and indefinite.

At this critical moment, the government of Honduras dispatched a minister to London, who took the ground that the question at issue was one that primarily concerned Honduras, and demanded as a measure of justice to that republic, the surrender of the islands. Both the United States and Great Britain had committed themselves beyond the power of changing or receding, but this solution was regarded with favor by both governments, and Great Britain entered into a convention with Honduras, whereby the Bay Islands were placed under the sovereignty of the latter State.

CHAPTER VII

CLAYTON AND THE MONROE DOCTRINE

In March, 1853, during the administration of Franklin Pierce, the Clayton-Bulwer treaty received a baptism of fire in the form of a debate in the Senate of the United States between Mr. Douglas of Illinois, Mr. Mason of Virginia, Chairman of the Committee on Foreign Relations, on the one hand, and Mr. Clayton, who as Secretary of State had acted for the government in framing the provisions of the treaty, on the other.

After the death of General Taylor, Mr. Clayton did not remain in the cabinet under Mr. Fillmore, but was again returned to the Senate by the State of Delaware. Mr. Clayton himself opened a discussion in the Senate upon a resolution he introduced, which seemed to have for its object a review of the Clayton-Bulwer treaty,[1] the Monroe Doctrine, and the conduct of Great Britain in Central America.

The Clayton-Bulwer treaty was transmitted by General Taylor to the Senate, April 18, 1850, and was ratified on the next day without much, if any, discussion, by a vote of forty-two senators for it to ten against it. Some senators, and it seems that Lewis Cass of Michigan was probably among that number, claimed that they understood that Great Britain, among other things, renounced all claims to Balize, or British Honduras.

The British government directed Sir Henry Bulwer to communicate with our government, and state that Her Majesty's government had ratified the treaty on the express understanding that it did not include British Honduras.

[1] Appendix to Congressional Globe, Second Session, 1852, Vol. III, page 245.

Mr. Clayton in reply wrote Bulwer stating that it was so understood by this government.

Mr. King, who was chairman of the Committee on Foreign Relations at the time the treaty was reported to the Senate three years previous to this discussion, corroborated the former.

Mr. Clayton undertook to show by maps and geographies that Balize was not in Central America, and therefore not embraced in the treaty. He proceeded to argue that the message of Mr. Monroe was framed for the purpose of securing a declaration or resolution by Congress. He said the American government could be committed only by vote of both houses of Congress, approved by the president.

The proposition recommended by Mr. Monroe was warmly opposed by the very Congress to which it was submitted. No such declaration was made or attempted to be made by Congress, but Mr. Clay, who was an ardent supporter of Mr. Monroe's administration, did, at the time, propose a resolution to the House of Representatives which was intended to approach a declaration, but even that failed.

His resolution was that the people of these States would not see without serious inquietude any forcible interposition by the allied powers of Europe in behalf of Spain to reduce to their former subjection those parts of the continent of America which have proclaimed and established for themselves respectively independent governments, and which have been solemnly recognized by the United States.

Even had this passed, it was but a poor response to the recommendation. It did not adopt Mr. Monroe's language or its equivalent, and it restricted the inquietude we should feel to the case of a forcible interposition by the allied powers to aid Spain. But Mr. Clay's resolution even when thus diluted, backed by all the influence he and Mr. Webster exerted on the occasion, never passed the House of Representatives.[1]

Mr. Clayton then quoted from the speech of James K. Polk on the Panama mission as follows:

[1] Appendix Congressional Globe, Third Session Senate, 32nd Congress, Vol. XXVII, pages 254, 255.

"When the message of the late President Monroe of the United States was communicated to Congress, it was viewed as it should have been, as the mere expression of opinion of the executive, submitted to the consideration and deliberation of Congress; and designed, probably, to produce an effect upon the councils of the Holy Alliance in relation to their supposed intention to interfere in the war between Spain and her former colonies.

"That effect it probably had an agency in producing, and if so, it had performed its office.

"The president had no power to bind the nation by such a pledge. . . .

"For one he never could agree to endanger the peace of the country by sending ministers to the Consultative Assembly at Panama."

Mr. Clayton then paid his respects to James Buchanan in these words:

"In the celebrated debate on the Panama mission, Mr. Buchanan opposed the mission on the same grounds.

"Speaking of the Monroe declaration, Mr. Buchanan said: 'It answered the purpose for which it was intended, and the danger which then threatened the Southern republics has since passed away.

"'This declaration contained no pledge to any Foreign Government. It left us perfectly free, but it has since been converted into such a pledge by Adams's administration, and although they have not formed formal alliances with the Southern republics, yet they have committed the country in honor to an alarming extent.

"'Mr. Clay has gone to such extremities in the cause of these republics, that in this particular, prudent men would feel disposed to compliment his heart at the expense of his understanding.'"[1]

Mr. Clayton, having made the foregoing quotation from Mr. Buchanan's speech, proceeded as follows:

[1] Appendix Congressional Globe, Third Session Senate, 32nd Congress, Vol. XXVII, pages 254, 255.

"Mr. Buchanan's complaint against Mr. Clay, which, he thought, went to show the weakness of Mr. Clay's head, was this; that he had instructed Mr. Poinsett to bring to the notice of the Mexican Government that the United States had pledged themselves not to permit any other power to interfere with the independence or form of governments of the Spanish republics."

Further on in his speech, Mr. Clayton said:[1]

"During the administration of Mr. Polk, the British aggressions in Central America were constantly increasing. The attack in 1848 was made just six days after the treaty of Guadalupe Hidalgo, by which we acquired California. It blocked our passage to the Pacific. The war with Mexico was ended, the army of Taylor was unemployed. If it were desirable to prove the truth of the Monroe Doctrine to the British, a few philosophers could have been selected from the army of occupation who would have made most convincing arguments."

The following extract is from the speech of Mr. Clayton in the Senate in March, 1853:[2]

"Indulge me in a few more words to close the history of the Monroe Doctrine. On the 20th of April, 1826, the House of Representatives adopted an amendment to a resolution declaring it expedient to appropriate the funds necessary to enable the president to send ministers to Panama, which amendment was indeed a complete negation of the whole Monroe Doctrine. This amendment was carried by a party vote, all the leading men then belonging to the Jackson party voting against the Monroe declaration and in favor of the amendment, and all the leading men supporting Adams's administration voting against the amendment.

"This amendment, which was a complete stifler of the whole Monroe declaration, obtained ninety-nine votes, among which were those of Messrs. Buchanan, Forsyth, Houston, Ingham, McDuffie, McLane, and Polk. It is very remarkable that the

[1] Appendix Congressional Globe, Third Session Senate, 32nd Congress, Vol. XXVII, pages 254, 255.

[2] Ibid.

Democracy, at the very origin of their present party, totally repudiated the whole declaration, and came into power on the principle of Washington's doctrine of non-intervention. It has been often said, and there is much reason to believe, that Mr. Adams, who was Secretary of State at the time Mr. Monroe proposed the doctrine, was entitled to the paternity of it. Mr. Calhoun once intimated so much in the Senate. It was the principal topic of discussion in Congress during the administration of Adams, and it was generally believed at the time that the reassertion of the Monroe principle, in Mr. Poinsett's instructions and in the course adopted by the advocates of Mr. Adams in favor of the Panama mission, drove Adams from power and secured the election of President Jackson, whose party, shortly after his election, assumed the name of the Democratic party. Among his most ardent advocates was Mr. Van Buren, the great Corypheus of that party, who, in a speech in the Senate opposing the Panama mission and the Monroe Doctrine, said:

"'I will venture to affirm that there is not a member on this floor who will avow his willingness to enter into a stipulation to resist attempts by the European Powers to colonize any portion of this continent. If mistaken,' said Van Buren, 'I desire to be corrected. No; I am not. No; thank Heaven, a policy so opposite to all the feelings of the American people, so adverse, as I firmly believe it to be, to its true interests, has no friend, at least no advocate, on this floor.'

"This speech was pronounced the ablest delivered in Congress since Mr. Pinckney's reply to Mr. King. I could fill volumes from the speeches of Mr. Hayne, Mr. Rives, Mr. McLane, Mr. Calhoun, and all the ancient leaders of the Democratic party against this Monroe Doctrine. But I will not longer, and in this manner, trespass upon your patience by the introduction of their opinions. The Senator from Michigan (Mr. Cass) was perfectly correct when he said that this declaration of Mr. Monroe had lain, ever since its origin, a dead letter on our records. His recent attempt to revive it by his resolution at the last session closes the history of the Monroe Doctrine. That resolution met with such violent opposition from his own party as to give us the assurance that no president who

should undertake to act upon it could be sustained. With all similar resolutions, recommendations, and declarations, it was consigned to that same ancient vault where all the kindred of the Capulets lie." [1]

Senator Clayton referred to Martin Van Buren as the great Corypheus of the Democratic party. The Corypheus in the theatres of ancient Athens was not only the leader of the chorus, but the prompter, scene decorator, and scene shifter. Subsequently, as the taste of the Grecians grew more fastidious, a division of labor took place, and the Corypheus became only the leader of the dramatic chorus.

It is to be regretted that Mr. Douglas, the "Little Giant," cannot be quoted at some length. Much of his speech bore on points not here under consideration, such as the Hise treaty and the Bay Islands affair, which has been already discussed. He dealt sledge-hammer blows, however, in favor of the Monroe declaration, and the abrogation of the Clayton-Bulwer treaty. The sturdy little Westerner maintained the Monroe declaration and fought the treaty and sought its annulment. He labored in season and out of season, in the Senate and before the people.

Mr. Mason of Virginia directed his argument very largely to the conduct of the British government in seizing the Bay Islands. He showed very conclusively that this action of Great Britain was a clear breach of the Clayton-Bulwer treaty.

Mr. Clayton's comments on the administration of James K. Polk in its failure to take action in regard to the seizure of the port of San Juan and the Mosquito Coast in Central America by Great Britain, were unjust. This seizure occurred, as he stated, after the treaty of Guadalupe Hidalgo. This treaty was ratified by both the governments of the United States and Mexico, and the proclamation of peace by President Polk followed immediately on July 4, 1848. His successor, Taylor, was inaugurated the following March.

[1] Appendix Congressional Globe, Third Session Senate, 32nd Congress, Vol. XXVII, pages 254, 255.

For want of telegraphic communications, as well as of railroads in that section, the news of the action of Great Britain was probably never officially brought to the attention of this government during the incumbency of President Polk.

Such matters are usually preceded by lengthy diplomatic negotiations before there is a resort to arms.

A similar case may be cited. The allied forces of Spain, France, and Great Britain took possession of Vera Cruz, Mexico, in December, 1861. The conquest of Mexico followed, and Maximilian was, as he supposed, firmly seated on the throne as emperor, although his government had not been formally recognized by the United States. The minister and consuls of the Republic of Mexico were received by this government as holding the proper credentials.

The first diplomatic correspondence on the subject of the Empire of Mexico and the French occupation was a letter from William H. Seward, Secretary of State, to Mr. Bigelow, Minister to France, dated September 6, 1865. This letter was couched in such phrase as to have no bearing on any supposed foreign policy of the United States. It related rather to the danger of conflict between the United States and the French armies in consequence of their occupation of contiguous territory.

Mr. Seward, in his letter of November 6, 1865, to Mr. Bigelow, was more explicit. He stated that "the presence and operations of the French army in Mexico, and its maintenance of an authority there, is of serious concern to the United States. Nevertheless, the objection of the United States is still broader, and includes the authority itself which the French army is thus maintaining. That authority is in direct antagonism to the policy of this government, and the principles on which it is founded."

This diplomatic correspondence continued for nearly two years, and was brought to a close about the time of the execution of the Emperor Maximilian, which took place on June 19, 1867, in the city of Queretaro.

Under all the circumstances, no criticism of the administra-

tion of Lincoln could be justly made in regard to the French occupation of Mexico, and in regard to the Mexican empire, although these events cover a period of about six years.

Mr. Polk in his messages to Congress, showed himself to be devoted to the principles advocated by Mr. Monroe, and always referred to our foreign policy as enunciated by Mr. Monroe as being applicable to the North American continent, and never extended it to the entire hemisphere.[1]

Mr. Clayton's criticisms of the action of the friends of Andrew Jackson in refusing to commit the government of the United States by treaty stipulations at the Panama Congress are unjust, for the formation of a league offensive and defensive between the government of the United States and the Southern republics against Europe would have been the very acme of folly and madness on the part of this government.

It would have been a scheme in which the United States would have done all the fighting and incurred all the odium and all the disasters of such an undertaking. When one comes to analyze it, our foreign policy popularly called the Monroe Doctrine is, as Mr. Seward said to Mr. Bigelow, the policy of this government and the principles on which it is founded.

[1] "Messages of the Presidents," Vol. IV, pages 398, 540, 582.

CHAPTER VIII

CLAYTON AND BULWER

THE Mexican War closed with General Zachary Taylor as a great military hero in the eyes of the people. His soldiers familiarly called him "Old Rough and Ready." Though an officer in the regular army, he was not educated at West Point or any other military school. He practically had no education, being able only to read and write.

When the Whig Convention met at Philadelphia, June 1, 1848, the friends of Daniel Webster and Henry Clay, respectively, insisted upon the claims of those eminent statesmen. They portrayed the injustice of setting them aside for the mushroom popularity of a mere military chieftain, "an ignorant frontier colonel," as Mr. Webster called him, who had neither experience nor knowledge of civil affairs, and who had not voted in forty years, as he himself admitted.

Henry Wilson of Massachusetts and a few other delegates withdrew from the convention when Taylor's nomination was made. One of the grounds on which they justified their withdrawal was the charge that he was so unqualified by natural talent or acquired experience for the office of president that "his nomination was not fit to be made," as was subsequently said in a public speech by Mr. Webster.

General Taylor was inaugurated as president, however, and whether he had or had not the distinguished ability to pilot this country successfully through the storms of that period is a question that was left unsolved by his death, which occurred after one year of official life.

He may not have possessed the culture of many of his critics, but his sturdy honesty and good common-sense and his courage and patriotism were sufficient to cover a multitude of shortcomings.

After his inauguration as president, he appointed John M. Clayton, of Delaware, Secretary of State. Mr. Clayton was a man of education, had practised law, had been Chief Justice of Delaware for three years, and had served in the United States Senate for a period of about fourteen years prior to his appointment as Secretary. After his brief service in Taylor's cabinet, he was again elected in 1851 to a seat in the Senate, and continued in that body until his death, in 1856. As a lawyer in his earlier life, he was noted for his skill in trials before a jury, and in the cross-examination of witnesses in criminal cases. He secured a place among the leaders in the Senate by his skill in the discussion of public questions.

Sir Henry Bulwer was about five years younger than Clayton. His title was Baron Dalling and Bulwer, or Lord Dalling. He was a man of illustrious ancestry and, like his brother, Bulwer Lytton, was an accomplished writer. He served in the army for a short time, and then quitted the camp for the court. He entered the field of diplomacy in the year 1827, and from that date to the year 1865, he was constantly engaged in this field, and was ranked among the subtlest intellects of his time as a master of diplomacy.

He had served about six years as minister to Spain before he was sent as minister to Washington in 1849. Great Britain had showered honors thick and fast upon him for his masterful management of affairs with Spain. A man of wonderful tact, always observant, but apparently indifferent, always vigilant, but seemingly phlegmatic, he closed with this government a treaty which has proven to be more unsatisfactory than all the other treaties which have been made since the founding of this republic. Seemingly giving us all things, he gave us nothing and at the same time took away from us that which we already had. Having tied up this country by the terms of a treaty, his own government at once proceeded to violate it, for the seizure of the Bay Islands by Great Britain, contrary to the plain provisions of the contract, took place immediately after the Clayton-Bulwer treaty was made and ratified by the two governments.

There has never been any condonation or waiver of this breach of the contract on the part of the United States. On the other hand, the British government ignored all our claims and protestations in respect to the seizure of the Bay Islands, and war between the two countries was averted only by the action of the Republic of Honduras in despatching an ambassador to London, who secured the surrender of the Bay Islands through negotiations to which the United States was not a party, and after the negotiations of this government had become finally unsuccessful.

The rule of law applicable to contracts is that where one party violates the contract in a material part, this justifies the other contracting party in treating the entire contract as abrogated. Great Britain having violated the Clayton-Bulwer treaty in a material part by seizing the Bay Islands, the United States would have been justified in regarding the entire treaty as a nullity.

CHAPTER IX

OPINIONS

PRESIDENT MARTIN VAN BUREN was a member of the United States Senate and participated in the protracted debate which arose upon the message of John Quincy Adams on the subject of the Panama mission.

Mr. Van Buren declared that Mr. Monroe had not pledged the United States to any course whatever, and never intended to do so,[1] and other statesmen expressed similar views. From these opinions a writer in the "National Intelligencer" of Washington drew the following conclusions:

1. The Monroe declaration of 1823, in both its phases, had its origin in the changed relations and new responsibilities imposed upon the several States of the American continents, arising especially from the emancipation of the Spanish colonies.

2. The Monroe declaration, in so far as it related to the threatened intervention of the Holy Alliance in the concerns of the Spanish-American States, was intended to meet a particular contingency of events, and therefore passed away with the occasion which called it forth.

3. The Monroe Doctrine, in so far as it relates to the colonization of the American continents by any European power, was not intended to bind the United States to guard the territory of the New World from such occupation by European States, but was intended to indicate, as an important principle of American public policy, that "each State should guard by its own means against the establishment of any future European colony," within the jurisdiction of its flag. That is, the American continents were no longer held open to colonization as derelict territory, capable of occupation by right of discovery and settlement.

[1] Annual Cyclopedia for 1863, page 643.

4. The Monroe Doctrine was not in any of its aspects a pledge committing the government of the United States to any line of policy beyond that which seemed expedient and necessary at the time of its announcement. As Mr. Van Buren well said, "no declaration of the Executive could have this effect," and none such was "intended by Mr. Monroe." [1]

When Chile was at war with Spain, and after the city of Valparaiso had been bombarded and burned by the Spanish fleet, our minister to Chile sent a despatch to Mr. Seward, our Secretary of State, and received from him the following reply:

DEPARTMENT OF STATE, WASHINGTON,
June 2nd, 1866.

TO JUDSON KILPATRICK,

Envoy Extraordinary and Minister Plenipotentiary.

SIR, — Your dispatch of May 2nd, No. 7, has been received. I appreciate your solicitude that the course of proceeding which this government has pursued in regard to the war between Chile and Spain should be understood and appreciated. Perhaps, however, the difficulty in the way of such appreciation results from the peculiar circumstances of Chile. Her statesmen and people, like the statesmen and people of all countries, may be expected to interpret, not only the rights of that republic, but the capacities and duties of other states, in the light of their own interests and wishes.

The policy of the United States in regard to the several Spanish-American States is, or ought to be, well known now, after the exposition it has received during the last five years. We avoid in all cases, giving encouragement to expectations which, in the varying course of events, we might find ourselves unable to fulfil, and we desire to be known as doing more than we promise, rather than of falling short of our engagements.

On the other hand, we maintain and insist, with all the decision and energy compatible with our existing neutrality, that the republican system which is accepted by the people

[1] Annual Cyclopedia for 1863, page 644.

in any one of those states shall not be wantonly assailed, and that it shall not be subverted as an end of a lawful war by European powers. We thus give to those republics the moral support of a sincere, liberal, and we think it will appear a useful friendship. We could claim from foreign states no concession to our own political, moral and material principles, if we should not conform to our own proceedings in the needful intercourse with foreign states to the just rules of the laws of nations.

We therefore concede to every nation the right to make peace or war for such causes, other than political or ambitious, as it thinks right and wise.

In such wars as are waged between nations which are in friendship with ourselves, if they are not pushed, like the French war in Mexico, to the political point before mentioned, we do not intervene, but remain neutral, conceding nothing to one belligerent that we do not concede to the other, and allowing to one belligerent what we allow to the other.

Every complaint made by the Chilian agents of an attempt on the part of Spain to violate the neutrality of the United States has been carefully and kindly investigated, and we have done the same — no more no less — in regard to the complaints instituted against the neutrality of the agents of Chile. We certainly thought it was an act of friendship on our part that we obtained assurances from Spain at the beginning, and at the other stages of the present war, that in any event her hostilities against Chile should not be prosecuted beyond the limits which I have before described. We understand ourselves to be now and henceforth ready to hold Spain to this agreement, if, contrary to our present expectations, it should be found necessary. In this we think we are acting a part certainly not unfriendly to Chile. It was thought to be an act of friendship when we used our good offices with both parties to prevent the war. We have thought that we were acting a friendly part, using the same good offices to secure an agreement for peace without dishonor or even damage to Chile.

Those who think that the United States could enter as an

ally into every war in which a friendly republican state on this continent became involved, forget that peace is the constant interest and unswerving policy of the United States. They forget the frequency and variety of wars in which our friends in this hemisphere engage themselves, entirely independent of all control or counsel of the United States. We have no armies for the purpose of aggressive war, no ambition for the character of a regulator. Our Constitution is not an imperial one, and does not allow the executive government to engage in war, except upon the well-considered and deliberate decree of the Congress of the United States.

A Federal Government, consisting of thirty-six equal states, which are in many respects self-governing, cannot easily be committed by its representatives to foreign wars, either of sympathy or of ambition. If there is any one characteristic of the United States which is more marked than any other, it is that they have, from the time of Washington, adhered to the principle of non-intervention and have perseveringly declined to seek or contract entangling alliances, even with the most friendly states.

It would be pleasant to the United States to know that the government and people of Chile have come to a correct understanding of our attitude and feeling toward them. Nor do we fear that injurious misapprehensions can long prevail among the enlightened and spirited people of that state.

I am, sir, your obedient servant,

(Signed) WILLIAM H. SEWARD.[1]

When General Grant was president, he extended the Monroe Doctrine so as to deny the right of any foreign government to transfer its possessions on this continent to another foreign government. In his message of May 28, 1870, relating to San Domingo, he says:

"The Doctrine promulgated by President Monroe has been adhered to by all political parties, and I now deem it proper to assert the equally important principle that hereafter no

[1] Annual Cyclopedia for 1866, page 267.

territory on this continent shall be regarded as subject of transfer to a European power."[1]

This principle may now be considered as being incorporated into the Monroe Doctrine and as a part of it as now construed.

Grant says "this continent" where he refers to an island, while Monroe took in the whole Western Hemisphere. Polk, in his message of December 2, 1845, refers to this doctrine in such terms as would indicate that it related to this continent alone.

[1] "Messages of the Presidents," Vol. VII, page 61.

CHAPTER X

ORIGIN OF OUR FOREIGN POLICY

MR. SEWARD, then Secretary of State, in his letter dated November 6, 1865, to our minister at the French court, says:

"The presence and operations of the French army in Mexico, and its maintenance of an authority there, is a cause of serious concern to the United States. Nevertheless the objection of the United States is still broader, and includes the authority which the French army is thus maintaining. That authority is in direct antagonism to the policy of this government and the principles on which it is founded."[1]

Here is a solemn declaration by one of the greatest diplomats which this country ever produced, to the effect that what we now are pleased to call the Monroe Doctrine is as old as the republic itself, and that it constitutes one of the foundation stones on which our institutions are constructed. We do not see these principles written in the Declaration of Independence, the Articles of Confederation, or in the Constitution of the United States, although their inspirations reach us from the Mayflower and the colonies founded by William Penn.

The best part of every nation's history remains as yet unwritten. This is especially true of the United States. We have been preserving but little more than the froth and foam produced by times of excitement, while much that is noblest and grandest in our history has been perishing.

Mr. Seward was in a situation to know more about the origin of our foreign policy than any of his contemporaries.

[1] Annual Cyclopedia for 1865, page 320.

He was a practising lawyer when Monroe made his famous declaration, and had an intimate knowledge of our national history. He was Secretary of State in troublous times, when he was often compelled to ransack the archives of the State department from the formation of the government down to his day for precedents.

Mr. Seward's assertion is well sustained by historical fragments which, when fairly and honestly interwoven with other historical facts, go far to establish its truth.

Washington promulgated the doctrine which Monroe, in a more extended form, enunciated some thirty years later; for Washington's proclamation of neutrality in European affairs was itself the foundation of our foreign policy. This neutrality carried with it the implication that it would be contrary to the policy of this government to permit European powers to intermeddle in the affairs of the New World.

France had done so much to aid the colonies in establishing their independence that, when war was declared between France and England, it seemed next to impossible that Washington could maintain a position of neutrality. In March or April of 1793, the news of this declaration reached this country, and perplexing questions arose in regard to our relations to France under existing treaties. These treaties provided for the payment of our debt to France, and also for the guarantee of the French possessions on this continent, and for a defensive alliance.

Washington pointed out that the war was not a defensive one, and that it therefore did not obligate this government to become an ally of France. He took into consideration not only the unsettled condition of affairs in France, but also the change of the government from a monarchy to a republic, and its probable want of permanency. The colonial character of the treaties gave them the appearance of being legacies of the past which could well be put aside.

The misconduct of the French minister Genet, in fitting out privateers at Charleston to prey upon British commerce, his assaults upon the administration, and his insults to our

government, were a part of the difficulties which Washington had to encounter when he laid the foundation stone of neutrality in European affairs. He started out boldly and vigorously with a foreign policy of neutrality, which was resolutely followed by Mr. Adams, his successor. Thus the old colonial spirit and purpose were broken, and the United States became wholly separated from the affairs of Europe.

Coupled with the principle of neutrality was the principle of expansion. The idea of the control of the Mississippi and the Southwest was advocated by Alexander Hamilton long before Jefferson made the Louisiana purchase. Hamilton expected to win by arms what Jefferson later acquired by purchase. Moreover, the idea of placing the United States at the head of affairs in the Western Hemisphere originated during Washington's administration.

Hamilton, in one of his articles in "The Federalist," it is said, wrote thus: "Our situation invites and our situation prompts us to aim at an ascendant in American affairs." This result could only be obtained by crushing out European influence in the Western Hemisphere. Here is a distinct announcement that our neutrality in European affairs is coupled with the principle that Europe shall be neutral in American affairs or the affairs of the New World. The Monroe declaration was the mere restatement of the original and fundamental policy of the government in another form.

This idea of neutrality in regard to European affairs did not originate in Washington's mind with the condition of war between France and England, for before he became president he wrote to Sir Edward Newenham as follows:

"I hope the United States of America will be able to keep disengaged from the labyrinth of European politics and wars; and that before long they will, by the adoption of a good national government, have become respectable in the eyes of the world, so that none of the maritime powers, especially none of those who hold possessions in the New World or the West Indies, shall presume to treat them with insult or contempt. It should be the policy of the United States to

administer their wants without being engaged in their quarrels. And it is not in the power of the proudest and most polite people on earth to prevent us from becoming a great, a respectable, and a commercial nation, if we shall continue united and faithful to ourselves."[1]

Washington wrote Jefferson prior to the ratification of the Constitution as follows: "An energetic general government must prevent the several states from involving themselves in the political disputes of the European powers."[2]

Something over a year after he became president, Washington wrote to Lafayette as follows:

"Gradually recovering from the distresses in which the war left us, patiently advancing in our task of civil government, unentangled in the crooked politics of Europe, wanting scarcely anything but the free navigation of the Mississippi, which we must have, and as certainly shall have if we remain a nation."[3]

The old Federalist party, under the leadership of Washington and Hamilton, took the new republic entirely out of the European system of which the colonies had always formed a part. A treaty of peace had been signed and the colonists became independent, but they continued to be dominated by colonial ideas and prejudices, which left them with the impression that they were still in some way a part of the European political system.

Washington and Hamilton caused a revolution in the habits of thought among the American people by isolating this country from Europe in all respects, except in regard to commerce. They did more than this; they set the pace whereby the country could move steadily forward, and expand and drive out European governments from any participation in the affairs of government in the New World.

Mr. Seward was correct when he said that the authority

[1] "Life of Washington," by Lodge, Vol. II, page 133.
[2] Gilman's "James Monroe," page 166.
[3] "Life of Washington," by Lodge, Vol. II, page 165.

then being exercised by the French in Mexico was in direct antagonism to the policy of this government and the principles on which it was founded.

There can be but little doubt that the general consensus of opinion among American statesmen was that the true foreign policy of the United States should be one of isolation and separation from European nations. These views were shared more or less by English statesmen who had a comprehensive knowledge of American affairs, and among these was Governor Thomas Pownall, who emigrated from England to this country in 1753. He was appointed governor of the Colony of Massachusetts Bay in 1757. He was appointed lieutenant-governor of New Jersey in 1760, and later, governor of South Carolina. He returned to England in 1761, was made comptroller-general of expenditures of the army in Germany, and in 1768 became a member of Parliament, which position he held for twelve years, and opposed the measures of the government against the colonies. He retired in 1780, and in 1781 published a work entitled "A Memorial to the Sovereigns of Europe on the State of Affairs between the Old and the New World."

Pownall, in his book, said that "America must avoid complication with European politics" and "the entanglement of alliances, having no connections with Europe other than commercial."[1]

John Adams, in his inaugural address of March 4, 1797, and in his second annual address of December 8, 1798, takes strong ground against foreign entanglements. He congratulates the country in the latter address upon the "spirit which has arisen in our country against the menaces and aggressions of a foreign nation," and says that "a manly sense of national honor, dignity and independence has appeared."

Washington would have met with no opposition in his neutrality policy but for the fact of our obligations to France. Jefferson, who was more tolerant than Washington of the conduct of Genet, the mercurial French ambassador, was as

[1] Gilman's "James Monroe," pages 165, 167.

resolutely in favor of a foreign policy which isolated America from European controversies and alliances, for his position is defined in his letters to Thomas Paine and William Short, both written in 1801.

In his letter to William Short of August 4, 1820, he favors "a cordial fraternization among all the American nations," and mentions "the importance of their coalescing in an American system of policy, totally independent of and unconnected with that of Europe."[1]

The Louisiana territory had been ceded by France to Spain prior to the revolution in the year 1762. Napoleon compelled Spain to retrocede it to France in a secret treaty. This treaty was made in October, 1800, but a few weeks after Napoleon had concluded the treaty with the United States to which reference has been made.

The Spanish officials in the Louisiana territory had not been removed nor exchanged for French officials. In short, Spain had ceded the Louisiana territory, but France had not formally taken possession. When the facts of this secret cession by Spain to France became known, excitement ran high in the United States.

Mr. Jefferson wrote to Ambassador Livingston at Paris saying: "This cession completely reverses all political relations of the United States, and will form a new epoch in our political course. . . . There is on the globe one spot, the possessor of which is our natural enemy; and that spot is New Orleans."[2]

Alexander Hamilton wrote to Pinckney, December 29, 1802, saying: "You know my general view of Western affairs. I have always held that the unity of the empire and the best interests of our nation require that we should annex to the United States all the territory east of the Mississippi, New Orleans included."[3]

Hamilton also wrote an article which was published in the "Evening Post," signed "Pericles," in which he said:

[1] Gilman's "James Monroe," page 171.
[2] McMaster's "History of the United States," Vol. II, page 620.
[3] Von Holst's "Constitutional History of the United States," Vol. I, page 184.

"Two courses only present themselves.

"*First:* Negotiate and endeavor to purchase, and if this fails, go to war.

"*Second:* To seize at once on the Floridas and New Orleans, and then negotiate."

Jefferson, in his letter of April 18, 1802, to Mr. Livingston, said: "The day France took possession of New Orleans, the ancient friendship between her and the United States ended. Alliance with Great Britain became necessary."[1]

Jefferson, in his message of December 15, 1802, said: "The cession of the Spanish province of Louisiana to France, which took place in the course of the late war, will, if carried into effect, make a change in the aspect of our foreign relations which will doubtless have just weight in any deliberations of the Legislature connected with that subject."

In his message of January 11, 1803, Jefferson said:

"GENTLEMEN OF THE SENATE: The cession of the Spanish Province of Louisiana to France, and perhaps of the Floridas, and the late suspension of our right of deposit at New Orleans are events of primary interest to the United States. On both occasions such measures were promptly taken as were thought most likely amicably to remove the present and to prevent future causes of inquietude. The objects of these measures were to obtain the territory on the left bank of the Mississippi and eastward of that, if practicable, on conditions to which the proper authorities of our country would agree, or at least to prevent any changes which might lessen the secure exercise of our rights. While my confidence in our minister plenipotentiary at Paris is entire and undiminished, I still think that these objects might be promoted by joining with him a person sent from hence directly, carrying with him the feelings and sentiments of the nation excited on the late occurrence, impressed by full communications of all the views we entertain on this interesting subject, and thus prepared to meet and to im-

[1] McMaster's "History of the United States," Vol. II, page 620.

prove to an useful result the counter propositions of the other contracting party, whatsoever form their interests may give to them, and to secure to us the ultimate accomplishment of our object."[1]

Napoleon feared an alliance between Great Britain and the United States. This led up to the sale on such favorable terms, and of more territory than Mr. Jefferson contemplated. When the sale was made on April 30, 1803, for fifteen millions of dollars, Napoleon remarked that "this accession of territory strengthens forever the power of the United States, and I have just given to England a maritime rival that will sooner or later humble her pride."[2]

Information reached Madison of a character that he regarded as authentic, that Great Britain was about to purchase from Spain that strip of territory east of the Perdido River, now constituting West Florida.

He accordingly, in his message of January 3, 1811, directed the attention of Congress to this matter, and among other things said:

"Taking into view the tenor of these several communications, the posture of things with which they are connected, the intimate relations of the country adjoining the United States eastward of the Perdido River to their security and tranquillity, and the peculiar interest they have in its destiny, I recommend to the consideration of Congress the seasonableness of a declaration that the United States could not see without serious inquietude, any part of a neighboring territory in which they have, in different respects, so deep and so just a concern pass from the hands of Spain into those of any other foreign power."[3]

In pursuance of this message, Congress immediately passed the following joint resolution:

[1] "Messages of the Presidents," Vol. I, pages 350, 351.
[2] Stephen's "History of the United States," page 285.
[3] "Messages of the Presidents," Vol. I, page 488.

"Taking into view the peculiar situation of Spain, and her American provinces, and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon security, tranquillity, and commerce, therefore

"Resolved by the Senate and House of Representatives of the United States in Congress assembled,

"That the United States, under the peculiar circumstances of the existing crisis, cannot, without serious inquietude, see any part of the said territory pass into the hands of any foreign power, and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory." [1]

The Senate and House at the same time declare that the said territory shall, in their hands, remain subject to future negotiations. The policy of Washington in regard to neutrality and the control of the Mississippi River; the action of this government under Jefferson in regard to the Louisiana territory; and the action of Madison and Congress in regard to West Florida, establish the fact that the foreign policy of this government had become established long before Mr. Monroe became president.

The term "Monroe Doctrine" simply became a new name for an old policy of the government. It was a policy recognized by Congress and sustained by the Federal and Anti-federal parties, as it now is by the Republican and Democratic parties.

One of the debatable questions of the present day is whether James Monroe or John Quincy Adams was the author of the Monroe Doctrine. A review of the history of this country prior to Monroe's administration shows that neither of them was its author. They were mere driftwood which had fallen into the stream and had been swept along in its current.

As to the message itself, it was the work of many minds

[1] United States Statutes at Large, Vol. II, page 666.

which had united into an agreement in respect to its form and substance, and when this was done it is immaterial what scrivener may have reduced it to writing.

Mr. Canning, on behalf of Great Britain, had no small part in the affair which led up to the promulgation of this now famous message. When Canning entered upon his duties as Foreign Secretary, he found that Castlereagh was swinging Great Britain around into the Holy Alliance. He determined at once to reverse all this. Russia was the most important factor with which he had to deal, and he induced her, in keeping with her interests and predilections, to unite with Great Britain against Turkey, in favor of the independence of Greece.

Then followed the Monroe message, which opens with the grave situation of affairs in respect to the Pacific coast boundary with Russia and Great Britain. Before taking up the matters of the Holy Alliance in his message, Monroe devotes quite a lengthy paragraph to "the heroic struggles of the Greeks," and expresses his hopes "that Greece will become an independent nation."

This seemingly unwarranted interference in European affairs was but the subtle language of diplomacy whereby Russia might become detached from the Holy Alliance by the combined efforts of Great Britain and the United States.

Mr. Canning doubtless prompted this paragraph concerning Greece, and possibly the one in relation to Russia. Lord Byron's aversion to Lord Castlereagh grew out of the latter's opposition to the independence of Greece. Mr. Canning secured a coalition between Great Britain and Russia, which resulted in the independence of Greece.

The Monroe message, if not inspired by Mr. Canning in whole or part, was at least in conformity with his general policy which secured such prestige for Great Britain at home and upon the Continent, and which gave her control of the commerce with Spanish America.

The writers who assert that "the Monroe Doctrine has

always failed of legislative confirmation "[1] are in error; because it has been pointed out that Congress in 1811 very promptly confirmed it in pursuance of Madison's message. The Congressional reiteration of a fundamental and established policy is unnecessary.

[1] Tucker's "Monore Doctrine," page 123.

CHAPTER XI

COLONIZATION

In his celebrated message of December 2, 1823, James Monroe did not confine himself to the schemes of the Holy Alliance with reference to the South American republics.

Shortly after the conclusion of a treaty of peace between the United States and Great Britain, in the early part of the nineteenth century, a controversy arose between Russia and the United States in regard to the trade carried on by citizens of the latter with the natives of the North Pacific coast.

In 1809 a desire was expressed by the Russian government for a settlement of the matter, and a correspondence ensued in which it was made known that the Russian-American Company claimed the entire coast from Behring's Strait southward to and beyond the mouth of the Columbia River. Negotiations terminated at once when these extraordinary claims were made.

On September 16, 1821, the Emperor of Russia issued a ukase or edict interdicting all commercial vessels other than Russian within one hundred Italian miles of the shores to which the Russian government laid claim. The Russian government in this document laid claim to the entire coast south to the fifty-first degree of north latitude.

Great Britain and the United States were both very emphatic in their expressions of dissent. The United States claimed up to fifty-four degrees and forty minutes of north latitude against the claims of both Great Britain and Russia. Great Britain claimed a wide extent of territory bordering on the Pacific Ocean as against the claims both of the United States and Russia.

Monroe, in his message of December 2, 1823, in that part of it which precedes several other subjects, including his message

against the Holy Alliance, announces his non-colonization policy in these words:

"At the proposal of the Russian Imperial Government, made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg to arrange by amicable negotiation the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal has been made by his Imperial Majesty to the government of Great Britain, which has likewise been acceded to. The government of the United States has been desirous by this friendly proceeding of manifesting the great value which they have invariably attached to the friendship of the Emperor, and their solicitude to cultivate the best understanding with his government. In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, *that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.*"[1]

Polk, in his message of December 2, 1845, quotes a portion of the foregoing text with great emphasis, and says that it should be distinctly announced to the world, as our settled policy, that no future European colony nor dominion shall with our consent be planted or established on any part of the North American continent.

This boundary dispute was settled between this government and Great Britain by the treaty of June 15, 1846, in favor of the contentions of Great Britain, by making the forty-ninth parallel the boundary line, and after this settlement the battle cry of "Fifty-four, forty, or fight!" was heard no more in political gatherings.

[1] "Messages of the Presidents," Vol. II, page 209.

Nearly a quarter of a century after Monroe delivered his famous message, Polk in his message reiterates and quotes Monroe literally, to the effect that "the American continents are henceforth not to be considered as subjects for future colonization by any European powers." The colonies referred to are colonies which when formed would be under the dominion of the colonizing power.

There is some very respectable authority which holds that Monroe went "altogether too far," to use the language of President Woolsey in Johnson's Cyclopedia, in his article on the "Monroe Doctrine."

Our foreign policy is such that no European government which possesses an American colony can transfer it to any other European power. It is equally important that European governments should no longer be permitted to plant colonies in this hemisphere. It is a principle that lies at the very foundation of our policy.

Germany is not violating our policy by encouraging German emigration to southern Brazil, because these emigrants are not under the dominion of the German empire. They may still owe their allegiance to Germany, but Brazil is a republic. If southern Brazil should be placed under the dominion of the German empire, then, and not until then, would our foreign policy be contravened.

Colonization is not dead, as some writers have suggested. There are now no unclaimed nor derelict territories in the Western Hemisphere; no territory which could be claimed by right of discovery; but colonization could take place on territory obtained by European powers by contract or treaty. Such colonization would violate our foreign policy.

This question of suffering or permitting colonization by European powers came up in connection with the affairs of Yucatan.

On April 29, 1848, the president in a special message called the attention of Congress to the fact that the white population of Yucatan had called upon the United States for help against the Indians, who were waging against them a war of extermina-

tion; offering, if aid should be granted, to transfer the "dominion and sovereignty" of the peninsula to the United States, and stating that similar appeals had been made "to the Spanish and the English governments."

He further stated that while it was not his purpose to recommend a policy of acquisition, yet the situation of the peninsula of Yucatan was such as to render its transfer to any European power an element of danger to our peace and security; and he declared that he had authentic information, that if the aid were not granted by the United States, it would probably be obtained from some European power likely hereafter to assert a claim to "dominion and sovereignty" over Yucatan.

The United States was at that time at war with Mexico, and the president admitted that Yucatan had never declared her independence, but was treated by this country as a State of the Mexican Republic.

A bill to enable the president to take temporary military occupation of Yucatan was immediately introduced in the Senate. In the discussion which followed, Mr. Calhoun took an active part, and as his speech is a limitation, if not a denial, of the principles of the Monroe Doctrine as generally understood, it deserves an extended notice.

Mr. Calhoun made the following points:

1. The declaration of Monroe that the extension of the European political system to this country would be regarded as dangerous to our peace and safety referred only to the Allied Powers; and the events which called it forth have passed away forever.

2. The declaration of Monroe that European interposition in the affairs of the new Spanish-American republics would be regarded as manifesting an unfriendly disposition toward the United States also belongs to the history of that day. But suppose this not to be the case, there is no evidence of any interposition in the affairs of Yucatan on the part of England or any other European power with the design of oppressing her or changing her destiny. Should England interpose, it would not be as a hostile power, but at the solicitation of

Yucatan, and if she should assert her sovereignty, it would not bring the case within the declaration, because it would not be an interposition to change the government and oppress the country.

3. President Polk plainly rests his recommendation upon the declaration of Monroe that the continents of America are not henceforth to be considered as subjects of colonization by any European power. "Colonization" means the establishment of a settlement by emigrants from the parent country; this is the case of "surrendered sovereignty" over a people already there. Yucatan would thus become a province or a "possession" of Great Britain, but not a colony.

Mr. Calhoun then states his impression that this portion of the message originated with Mr. Adams, and never became a subject of deliberation in Mr. Monroe's cabinet. It was inaccurate in stating that these continents have asserted and maintained their freedom, because as a whole such was not the case; and it was improper when viewed in conjunction with the declaration which preceded it, because we were acting in concert with England on a proposition coming from herself, and hence the declaration should have been in accordance with British feeling. As it was, it so offended her that she refused to co-operate with us in settling the Russian question.[1]

William Plumer, who was a member of Congress during the Monroe administration, makes the following statement in his diary:

"I have strong reason to believe that this part of the message [that is, that relating to foreign affairs] bears the direct impress of Mr. Adams's genius. The ground assumed and the doctrines inculcated are certainly his, and if he did not write that part of the message (as the minister writes the king's speeches in England), I have little doubt that he submitted to the president in writing his views of what the message ought to contain so far as his department was concerned, and that the president, in preparing his message, followed very closely not only the views but the language of the secretary.

[1] Tucker's "Monroe Doctrine," pages 38 to 41.

"Adams told me that the president had doubts about that part of it which related to the interference of the Holy Alliance with Spanish America; said he believed it had better be omitted, and asked him if he did not think so too?

"Adams replied, 'You have my sentiments on the subject already, and I see no reason to alter them.' 'Well,' said the president, 'it is written, and I will not change it now.' This was a day or two before Congress met." [1]

It will be noted that Mr. Calhoun attributes the colonization feature of Monroe's message to John Quincy Adams, because he says it was never a subject of deliberation in Monroe's cabinet, of which Calhoun and Adams were both members.

Mr. Plumer's statement attributes the entire message relating to Foreign Affairs to John Quincy Adams, but there is nothing to be found among the papers of Mr. Adams which will aid us much in determining this question. He was at Quincy, Mass., on September 11, 1823. There is no entry in his diary from September 11 to November 7, 1823.

Monroe in his note to Adams, dated October 11, 1823, says: "Be so good as to send the copies mentioned in our meeting to-day of the correspondence between Mr. Rush and Mr. Canning, since I deem the subject of the highest importance."

The letter of Rush to Adams of August 19, 1823, is marked "Rec'd 9th October." Among all the papers which can be collected there appears to be none which was written by Mr. Adams prior to October 9.

The first business which these papers disclose of services performed by Mr. Adams relate to transactions which took place between him and Baron Tuyll on October 16, 1823. From this date until some time in December following, Mr. Adams had been very active, as shown by the manuscripts.

Mr. Calhoun is doubtless correct about the fact that the colonization feature of the Monroe declaration was never discussed in the cabinet meetings which had up for discussion the Holy Alliance and its purposes in this hemisphere. The

[1] Tucker's "Monroe Doctrine," page 22.

colonization feature did not in any manner come up in that connection. It was a separate and independent matter altogether.

Monroe, in the earlier part of his lengthy message, had under discussion the boundary line between Russian America, now Alaska, and the United States. Spain claimed as far north as Nootka Sound on the western shore of Vancouver's Island. Great Britain disputed this right, and the differences of the two powers were adjusted by the treaty of October 28, 1790. This treaty settled questions of trade with the natives, navigation, and fishing, but determined nothing with regard to their respective rights of sovereignty.

Spain ceded to the United States all her territory north of the forty-second parallel of latitude in the Florida Treaty of February 22, 1819, and thereby the United States acquired whatever titles Spain possessed on the Pacific Coast north of this designated line.

The claims of Russia extended south to the fifty-first parallel, according to the demands then set up, although, as before stated, in 1809 Russia had laid claim to all the territory as far south as the Columbia.

On July 2, 1823, Mr. Adams wrote a letter to Mr. Rush on the subject of this boundary dispute between Great Britain, Russia, and the United States, from which the following is an extract:

"These independent nations [that is, those of South America and Mexico] will possess the rights incident to that condition, and their territories will of course be subject to no exclusive right of navigation in their vicinity, or of access to them by any foreign nation. A necessary consequence of this state of things will be, that the American continents henceforth will no longer be subject to colonization. Occupied by civilized nations they will be accessible to Europeans and each other on that footing alone; and the Pacific Ocean in every part of it will remain open to the navigation of all nations in like manner with the Atlantic."[1]

[1] Tucker's "Monroe Doctrine," page 12.

This quotation is made for the purpose of showing what was meant in the Monroe message by the "free and independent condition" phraseology in it, as well as to show that Adams's previous letter to Rush contained the substance of the Monroe message in respect to colonization. In so far as this letter is evidence it tends to show that John Quincy Adams was in fact the author of the Monroe declaration in respect to colonization.

The principles which govern the rights of colonization are laid down by Vattel in the "Law of Nations" as follows:

"There is another celebrated question, to which the discovery of the New World has principally given rise. It is asked whether a nation may lawfully take possession of some part of a vast country, in which there are none but erratic nations whose scanty population is incapable of occupying the whole.

"We have already observed, in establishing the obligation to cultivate the earth, that those nations cannot exclusively appropriate to themselves more land than they have occasion for, or more than they are able to settle and cultivate. Their unsettled habitation in those immense regions cannot be accounted a true and legal possession; and the people of Europe, too closely pent up at home, finding land of which the savages stood in no particular need, and of which they made no actual and constant use, were lawfully entitled to take possession of it, and settle it with colonies.

"The earth, as we have already observed, belongs to mankind in general, and was designed to furnish them with subsistence; if each nation had, from the beginning, resolved to appropriate to itself a vast country, that the people might live only by hunting, fishing, and wild fruits, our globe would not be sufficient to maintain a tenth part of its present inhabitants."[1]

Congress passed an act which is known as the "guano islands act," which was afterwards re-enacted in the revised statutes with certain amendments as follows:

"Section 5570. Whenever any citizen of the United States discovers a deposit of guano on any island, rock, or key, not

[1] Vattel's "Law of Nations," Chitty's edition, page 101.

within the lawful jurisdiction of any government, and not occupied by the citizens of any other government, and takes peaceable possession thereof, and occupies the same, such island, rock, or key may, at the discretion of the president, be considered as appertaining to the United States.

"Section 5576. All acts done and offenses or crimes committed on any such island, rock, or key, by persons who may land thereon, or in the waters adjacent thereto, shall be deemed committed on high seas, on board a merchant ship or vessel belonging to the United States, and shall be punished according to the laws of the United States relating to such ships or vessels and offenses on the high seas, which laws, for the purpose aforesaid, are extended over such islands, rocks, or keys."

In 1890, the Supreme Court of the United States in the case of Jones *v.* United States, 137 United States, 212, used the following language:

"By the law of nations, recognized by all the civilized states, dominion of new territory may be acquired by discovery and occupation, as well as by cession or conquest; and when citizens or subjects of one nation, in its name, and by its authority or with its assent, take and hold actual, continuous and useful possession (although only for the purpose of carrying on a particular business, such as catching and curing fish, or working mines) of territory unoccupied by any other government or its citizens, the nation to which they belong may exercise such jurisdiction and for such period as it sees fit over territory so acquired.

"This principle affords ample warrant for the legislation of Congress concerning guano islands."

The government of the United States permitted Great Britain to colonize New Zealand and the Fiji Islands without any protest or objection. Both groups are in the Western Hemisphere.

The Act of Congress in regard to the guano islands was construed by the Supreme Court to be valid and in accordance with the law of nations as laid down by Vattel, Calvo, and other publicists.

This decision was made in the case of the United States against Henry Jones in the Circuit Court of the United States for the district of Maryland, where he had been convicted of murder. The crime was committed on the island of Navassa in the Caribbean Sea, which lies to the westward of Hayti. A jurisdictional question in the case was raised in respect to the validity of the title of the United States to the island of Navassa, which had been taken possession of under the provisions of the Act of Congress of 1856. The Supreme Court affirmed the decision of the court below and decided that by the law of nations, new territory may be acquired by discovery and occupation as well as by cession and conquest.

This much has been said to show that the colonization feature of the Monroe message is not in harmony with the Acts of Congress, the decisions of the Supreme Court, and the practices of the government in its foreign relations.

CHAPTER XII

PARTY PLATFORMS

THERE were no party platforms in the early history of the republic. The first and only national platform was that made by the Democratic convention at Baltimore in 1832, which nominated Jackson for president and Van Buren for vice-president. It was short and would not occupy more than twenty-four lines of space in the columns of a newspaper.

Presidential platforms have grown more elaborate each succeeding four years. In the early history of the republic, the *man* was the platform. Of late years, the platform has sunk the *man* into comparative insignificance. Nothing found its way into any party platform on the Monroe Doctrine until the year 1856, when James Buchanan was nominated for president by the Democratic convention, at Cincinnati, Ohio. The resolution of that convention is as follows:

"*Resolved*, — That our geographical and political position with reference to the other states of this continent, no less than the interest of our commerce and the development of our growing power, requires that we should hold as sacred the principles involved in the Monroe Doctrine; their bearing and import admit of no misconstruction; they should be applied with unbending rigidity."

Nothing more was heard on this subject until the Republican convention, convened at Baltimore in 1864, renominated Mr. Lincoln for president. Maximilian was seated on the throne of Mexico at the time. The French army was in Mexico sustaining his authority. The Republican convention passed the following resolution:

"*Resolved*, — That we approve the position taken by the government that the people of the United States can never regard with indifference the attempt of any European power to overthrow by force, or to supplant by fraud, the institutions of any republican government on the Western Continent; and that they will view with extreme jealousy, as menacing to the peace and independence of their own country, the efforts of any such power to obtain new footholds for monarchical governments, sustained by foreign military force, in near proximity to the United States."

Nothing more is heard on this subject until the year 1896, when the Republican national convention inserted the following plank:

"We re-assert the Monroe Doctrine in its full extent, and we re-affirm the right of the United States to give the doctrine effect by responding to the appeal of any American states for friendly intervention, in case of European encroachment. We have not interfered and shall not interfere with the existing possessions of any European power in this hemisphere, but these possessions must not on any pretext be extended. We hopefully look forward to the eventual withdrawal of the European powers from this hemisphere, and to the ultimate union of all the English-speaking part of the continent, by the free consent of its inhabitants."

The Democratic party in 1896 afterward put the following plank in its platform:

"The Monroe Doctrine, as originally declared and interpreted by succeeding presidents, is a permanent part of the foreign policy of the United States, and must at all times be maintained."

These resolutions followed immediately after the Venezuelan boundary affair.

In the year 1900 the Republican platform in its plank relating to the South African war, contains but one sentence on this subject: "We assert our steadfast adherence to the policy announced in the Monroe Doctrine."

The declaration of the Democratic platform for 1900 reads thus:

"The declaration in the Republican platform adopted at the Philadelphia Convention held in June, 1900, that the Republican party steadfastly adheres to the policy announced in the Monroe Doctrine, is manifestly insincere and deceptive. This profession is contradicted by the avowed policy of that party in opposition to the spirit of the Monroe Doctrine to acquire and hold sovereignty over large areas of territory and large numbers of people in the Eastern Hemisphere.

"We insist on the strict maintenance of the Monroe Doctrine in all its integrity, both in letter and spirit, as necessary to prevent the extension of European authority on this continent and as essential to our supremacy in American affairs. At the same time we declare that no American people shall ever be held by force in unwilling subjection to European authority."

There can be no doubt but that the American people of all parties are in favor of the Monroe Doctrine or a general foreign policy which has taken that name. The political parties, however, have reached a point where they can no longer pass resolutions on this subject for the simple purpose of misleading the people, for they now confront the nations of Europe and not simply the voters of the United States. The question now passes from a mere local political rallying cry into one of world-wide diplomacy, and henceforth it must be considered and dealt with as such.[1]

[1] For the quotations from platforms prior to 1892, see Thomas Hudson McKee's "National Platforms," and for platforms of a subsequent date, see the annual encyclopedias.

CHAPTER XIII

ISOLATION

THE failure of the Panama Congress to agree upon a policy for the Western Hemisphere which would be binding upon all the republics left the United States of America to maintain the Monroe Doctrine alone.

The southern republics have been the beneficiaries of our peculiar system, while there is no policy of a reciprocal character which has been adopted by any of them.

In case the United States should become involved in war with one or more European powers in defending one of the southern republics from conquest by a European nation, there is nothing in the existing treaties between this government and the southern republics which would make it incumbent on them to aid us in our defence of the republic that is threatened with overthrow.

There is nothing in the declared policies of the southern republics of a traditional or legislative character, or otherwise, which would give the United States the assurance that any one of these republics would in any manner contribute material aid or support to the United States in carrying on a war which had for its object the preservation of any republic from overthrow.

If the United States were defending itself in such a case from present or future calamity, its position would appear reasonable.

If its purpose were entirely altruistic, then it would be pursuing a course of conduct which for unselfishness would be almost, if not entirely, unknown among men and nations.

When the Panama Congress was originally determined upon by Simon Bolivar, it was his purpose to form the republics which had secured their independence from Spain into one confederation, of which he was to be the head.

Bolivar originally only invited the Spanish American republics to be represented at the Panama Congress, but, as previously mentioned, Santander, his vice-president, at the time acting-president of Colombia, extended the invitation to the United States to send delegates. Coming as it did so soon after the Monroe declaration, John Quincy Adams and Henry Clay seized upon the opportunity to attempt to have a secret treaty formed among all the republics of this hemisphere, which would commit them, one and all, to the Monroe Doctrine.

The letter of Mr. Clay to Mr. Poinsett, our minister to Mexico at that time, seemed to be proof positive of Mr. Clay's purposes referred to elsewhere, for Mr. Clay explained that the pledge that Monroe made in his declaration was not a pledge to Mexico, but a pledge that this government made to itself.

Adams and Clay both disclaimed any intention to form any alliances with the Spanish republics against European aggression, but the bitter opponents of those statesmen heard their explanations with at least apparent incredulity.

The explanation of Mr. Clay was unique; nevertheless it has ruled and governed this country in its foreign policy from that day to this.

When we look back over the years that have intervened since the Panama Congress, it appears to be almost a providential deliverance that this country escaped making a direct league offensive and defensive with the Spanish American republics at Panama, as was contemplated by the friends of the measure, for, without arguing the question, it must appear obvious that no advantages could have accrued to this government from such a union. The Spanish American republics, too, would probably have reaped no substantial advantages from such a compact. On the other hand, if the Monroe Doctrine is approved by the Spanish American republics as a good policy for the United States of America to pursue, it is much better for *them* to follow the same policy.

As Mr. Clay said of this government, each of those republics can make pledges to itself that it will adhere to the principles of the Monroe Doctrine, and that it will make those principles its rule of conduct in respect to its foreign policy.

For years murmurings have reached us from the continent of Europe in regard to the Monroe Doctrine. While it is true that these murmurings have mostly originated in the cafés and clubs of Paris, Berlin, and Vienna, yet they may some day originate in the courts of Europe and leave this government to fight the combined armies and navies of Europe, single-handed and alone, in the maintenance of the Monroe Doctrine.

The policy of this government should be to induce the Spanish American republics to adopt the Monroe Doctrine each for itself. This could be done by each of these republics by act or joint resolution of its congress.

An influence could be brought to bear on these republics by our ministers to them under authority conferred by this government, and as a penalty for refusal this government could withdraw the protection of the Monroe Doctrine from such recalcitrant republics. Thus, by a little effort on the part of this government, the Monroe Doctrine could be made the doctrine of all the Spanish American republics without the existence of any treaty between them. This would leave each republic an individual responsibility to all European powers in respect to causes of war and resort to war, without making the other republics allies. They would only become allies when one or more of these republics had been overthrown and a European monarchy erected on its ruins.

The opposition in Congress to Mr. Clay's supposed purpose to have a treaty made at Panama which would be offensive and defensive in its character, when viewed in the light of to-day, seems like the very highest form of statesmanship, while his explanation has furnished the key-note of the method whereby co-operation can be secured.

CHAPTER XIV

COALING AND SUPPLY STATIONS

WHEN this republic was founded, war ships were sailing-vessels. The invention of steam motive-power has changed all this, and war vessels are now propelled principally by steam.

This change to steam power has created new conditions which were not dreamed of by the old publicists.

"The supply of a belligerent ship by a neutral power of coal in quantity greater than that necessary to carry it to its nearest home port is now generally expressly prohibited, since this article may, under modern conditions, be considered a means of aggressive action."[1]

"Such a rule was first made by Great Britain during the Civil War in the United States, it being provided further that the same vessel should not obtain more than one supply of coal in British waters within three months."[2]

During the Franco-Prussian War the United States prohibited the belligerent steam-vessels from taking on more coal than was sufficient to carry them to the nearest European port of their own country, and where the vessel was rigged to go under either sail or steam power, she was permitted to take on a half supply of coal, which was needed to carry her to the nearest European port.[3]

Great Britain enforced the same rule during the war between the United States and Spain.[4]

[1] American and English Encyclopedia of Law, second edition, Vol. XVI, page 1165.

[2] Hall on International Law, fourth edition, page 221.

[3] See the proclamation of President U. S. Grant, dated October 8, 1870.

[4] American and English Encyclopedia of Law, second edition, Vol. XVI, page 1165, note 3.

Great Britain is well supplied with coaling stations in all quarters of the world. Not so, however, are the other European powers.

This country has so expanded recently that the Pacific Ocean itself is practically an inland sea within the boundaries of the United States.

The other European powers except Great Britain are profoundly interested in the matter of coaling stations in the waters of the Pacific, the West Indies, and along the coast of South America. They are confronted by the precedents of Jefferson and Madison, and by the construction of the Monroe Doctrine which Grant gave in his message of May 31, 1870, in these words:

"The doctrine promulgated by President Monroe has been adhered to by all political parties, and I now deem it proper to assert the equally important principle that hereafter no territory on this continent shall be regarded as subject of transfer to a European power."

The subject of coaling stations is as important to the United States as it is to Germany, France, Austria, or any other European power.

The United States needs coaling stations in various parts of Europe, Africa, and Asia, and in the South Pacific and South Atlantic oceans and in the Indian ocean. Some friendly and reciprocal policy should be entered into that will enable the United States and all the European powers to purchase the fuel and supplies needed for their commerce or their navies in any and all quarters of the world.

William E. Curtis, the able correspondent of "The Chicago Record-Herald," in a recent article has summed up the situation of the United States with respect to the leading European powers thus:

"If we should have a war with a European power our navy would be seriously embarrassed by the difficulty of obtaining coal. A ship can carry only so much coal, and, according to the laws of war, a neutral nation cannot permit a belligerent

to secure a greater supply than is necessary to carry it to the nearest home port.

"Thus, if we conducted an offensive warfare and sent our fleets of battle-ships across the Atlantic, they must be accompanied by colliers and take on coal, as opportunity offered, in the open sea; and the colliers would have to be protected by strong convoys from privateers and ships of the enemy. None of our battle-ships can carry enough coal to make a round trip across the Atlantic and back.

"You will remember that the *Oregon* was compelled to coal twice coming around from San Francisco during the Spanish war, and in case of trouble in Europe, if our fleets should cross the Atlantic and lose their colliers, as is likely to occur from several causes, they would be absolutely helpless.

"For this reason Admiral Bradford of the bureau of equipment of the Navy Department and other far-sighted men have been trying to persuade Congress to accept an offer made by the government of Liberia, through Bishop Hartzell, immediately after the Spanish War. We were offered our choice of all the harbors on the Liberian coast for a coaling supply, and repair station, and a survey was immediately made. The estimates for putting the harbor in order — dredging, building docks, coal sheds, machine-shops, quarters for the men and warehouses for the storage of supplies and fortifications sufficient to protect them — amounted to less than $3,000,000, but the matter was dropped, and it seems to be difficult to revive the interest of the committees of the House and Senate. . . .

"The United States has no coaling stations on the continents of Europe, Asia, Africa, Central America, or South America.

"In addition to her home ports on the Atlantic Ocean, the English Channel, and the Mediterranean, France has several coaling stations on the North, East, and West coasts of Africa, at Madagascar, in India, China, and the South Pacific Ocean.

"Omitting the home and colonial ports of the United Kingdom, which would all be open to vessels of His Maj-

esty's navy for coaling purposes during war, England has about seventy-five coaling stations distributed throughout the world. She possesses a large part of the coal producing territory of the world, notably the British Isles, Australia, Borneo, and New Zealand. In the Western Hemisphere she has naval stations at Victoria, British Columbia, Halifax, Bermuda, and Kingston, Jamaica. Besides these places she has coal at Toronto, Quebec, Bonne Bay, Newfoundland, St. Lucia, Barbadoes, Trinidad, Georgetown, British Guiana, and Port Stanley, Falkland Islands. In addition, coal can be obtained at most of the small British Islands in the West Indies. Coal is also kept stored on shore at Coquimbo, Chile. She has a line of coaling stations through the Mediterranean and Red Seas, *viz.*, Gibraltar, Malta, Port Said, Suez, Perim, and Aden. Also all through India, and no less than ten on the eastern and western coasts of Africa.

"In the China Sea the British have stations at Wei-Hai-Wei, Chee Foo, and Hongkong, also on the coast of Borneo, at Singapore, and at the various ports in Australia and New Zealand. Their coaling station at the Falkland Islands is of great importance, since it is in close proximity to the Magellan Straits. These stations are all for war purposes. She has contracts for coal during peace times in most of the great commercial centres of the world.

"Germany has one coaling station on the East and one on the West coast of Africa, one at Kiao Chu, China, and five insular stations in the North and South Pacific. In addition to her home ports on the Atlantic Ocean and Black Sea, Russia has four coaling stations on the Okhotsk and China Seas."

In case the recent demonstrations of Great Britain, Germany, and Italy against Venezuela had culminated in a war between the United States and these allies, the United States would have been in a most deplorable condition for aggressive action upon the ocean for want of coaling and supply stations in the Eastern Hemisphere.

Germany, Italy, France, and Russia, and all the other Continental powers, and possibly Great Britain as well, might,

and probably would, concur in such a modification of international law as would confer the right on neutral nations to sell to both belligerents all the coal and other fuel, as well as all the commissary supplies which they might need. An arrangement like this would give to Germany, Russia, France, Italy, Austria, and other European powers such an equivalent for coaling stations in this hemisphere as to reconcile to the Monroe Doctrine those which now oppose it.

It would be one of the greatest advantages to the United States to be able to purchase coal and commissary supplies at all times and under all circumstances of warfare in almost any portion of the Eastern Hemisphere. Under such arrangements as these, coaling and supply stations become a matter of insignificant worth or importance except in so far as such stations have docks for the repair of vessels. Our vessels are so constructed and equipped that a very large amount of the repairs can be made on shipboard.

In time of war, where docks are scattered over the world, they would become just so many more isolated, vulnerable, and weak points to be defended.

It would be a sound international policy for the United States to take the initiative in this matter.

Great Britain has been favored with able diplomatists like George Canning, who have made her great by their wise and far-seeing policy. The United States, on the other hand, has deferred too much to Great Britain and other leading European powers in regard to matters of our foreign diplomacy. The press of Germany and sometimes of England falls into error, and charges that the defects in the principles of international law, which oppress European governments, are owing to the harsh operation of the Monroe Doctrine.

The press of England, like the press of America, wields a free lance, and its opinions are sometimes based on the most superficial reasoning and the most inadequate knowledge. The government of Great Britain, which knows the facts, would not make such a charge, because it would not be guilty of such duplicity.

If the king of the forest were permitted to make rules for the government of the smaller animals, he would probably do no worse for them than the mistress of the seas has done for the smaller maritime powers.

The United States is totally unconscious of the fact that it maintains any foreign policy which embarrasses the navies of the world on the high seas.

The disciples of Vattel and Bynkershoek will be surprised to learn that the great bulk of what passes for international law is of very recent origin. These combinations of two or more powers, which are known as "spheres of influence," are of such recent origin as not to be mentioned in any text-book of ten or fifteen years ago. It will be found, too, that much that passes now for international law, under the general presumption that it is as old as the seas, is of very recent origin, while the most remarkable thing of all is that much that now passes for international law in respect to belligerent vessels has been arbitrarily made by Great Britain within the last half-century.

Among other things, Great Britain laid down the rule during the American Civil War that a belligerent vessel was restricted to twenty-four hours in a neutral port, — a rule which she enforced in the war between the United States and Spain.[1]

The principles of international law are not settled. In 1859 and 1870 France, when engaged in war, declared coal not to be contraband, and Russia has taken the same position. England and the United States have been disposed to treat coal as a contraband article, when it is destined to a base of naval operations.

The Congress of Paris of 1856, to which Great Britain, France, Russia, Prussia, Sardinia, and Turkey were parties, declared that "the neutral flag covers the enemy's goods, with the exception of contraband of war, and they are not liable to capture," — a declaration which has been accepted

[1] American and English Encyclopedia of Law, second edition, Vol. XVI, page 1165.

by all civilized nations with the exception of the United States, Spain, Mexico, and Venezuela. But while the United States never adopted the declaration of the Congress of Paris, it acted on it in the Civil War and in the war with Spain.[1]

When a great maritime power lays down rules for belligerents, and these rules are followed by other nations for a long time, what thus becomes a custom later on takes on the force and quality of established international law, and the circumstances of its origin are overlooked or forgotten.

The existing rules of international law are largely derived from the writings of eminent publicists of recognized standing. When they agree upon a rule it is generally taken by the courts to be the established law. Among those publicists of standing may be named Grotius, Vattel, Bynkershoek, and Puffendorf. General treaties or conventions, like the Congress of Vienna of 1815, the Geneva Convention of 1864, and the convention at the Hague in 1899, have done much to declare and prescribe rules of international law.

A treaty which is intended to change or fix such rules, if signed by practically all the civilized powers likely to be affected by it, is of such great authority that the rules declared thereby may be considered as thereafter a part of international law.[2]

The position of the United States with reference to international questions is unique. This government is not interested in the questions which embroil European governments among themselves, and yet it sometimes stands in the relation of an arbiter among them, and by reason of its disinterestedness and fairness, it is the instrumentality whereby many serious wars are avoided and the difficulties amicably settled. It requires no gifts of prophecy to predict that in the future the United States will sometimes command the peace of the world.

A revision of international laws which would permit neu-

[1] American and English Encyclopedia of Law, second edition, Vol. XVI, page 1169.

[2] Ibid., page 1126.

trals to lease coaling stations to other nations without surrendering their sovereignty over them would probably be adequate for the necessities of the various maritime powers. A revision could be made so as to permit neutrals at all times without limit to sell coal or other fuel and supplies to belligerent vessels. If this were permitted but few coaling stations would be needed, while no surrender nor modification of the Monroe Doctrine is required in order to effect these revisions of international law.

If Great Britain and the United States had adopted the broad and liberal policy of France and Russia, the subject of coaling stations would not have been so important, and the opposition to the Monroe Doctrine in Europe would not have reached such an acute stage.

It is a principle of international law that a neutral nation, though it cannot itself loan money to one of the belligerents, is under no obligations to restrain its subjects from doing so.[1]

As a matter of fact, in almost every war one or both parties rely on loans made by subjects of foreign nations. During the Franco-Prussian war both belligerents borrowed money in England.[2]

A similar rule in regard to furnishing coal or fuel for a ship would probably meet all the requirements of belligerents on the high seas. It certainly would do so if the rule were extended so as to permit the subjects of a neutral nation to sell ordinary supplies of provisions to belligerent vessels.

Upon ethical grounds, no distinction can be drawn between the right of subjects of neutral powers to loan money to belligerents to carry on the war on the one hand, and their right to sell fuel and food to a belligerent vessel on the other.

If the United States is to maintain a policy of its own for the Western Hemisphere, everything in its power should be done to mitigate its asperity with respect to the nations of the Eastern Hemisphere.

[1] American and English Encyclopedia of Law, second edition, Vol. XVI, page 1161. Hall on International Law, fourth edition, section 217.

[2] American and English Encyclopedia of Law, second edition, Vol. XVI, page 1161.

CHAPTER XV

THE EMPIRE OF MAXIMILIAN

MEXICO became independent of Spain in 1821, and shortly thereafter organized a republican form of government. General Comonfort was chosen president for four years at the July election in 1857, under the provisions of the new constitution, and the presidential term was to begin on the first day of December, 1857, and continue for four years.

General Comonfort was duly inaugurated on that day, and within a month he was driven from the capital, and the leaders of the military rebellion assigned the supreme power of the republic to General Zuloaga.

The constitution provided that in the absence of the president his office should devolve upon the Chief Justice of the Supreme Court. General Comonfort having left the country, Benito Juarez, Chief Justice of the Supreme Court, organized a constitutional government at Guanayuato. Before this was officially known, however, at the capital, the government of Zuloaga had been recognized by the entire diplomatic corps, including the minister of the United States, as the de facto government of Mexico. Juarez, however, was soon established with his cabinet at Vera Cruz.

The government of Zuloaga having met with earnest resistance in many parts of the republic, and at the capital, and a portion of the army having pronounced against it, its functions were declared terminated, and an assembly of citizens elected General Miramon, who represented the church party. President Miramon repudiated the plan under which he was chosen, and Zuloaga was thus restored to his position. The latter appointed Miramon president as his substitute, and Miramon assumed the duties of president for the revolu-

tionary party. Defeat attended Miramon, and he retired to Spain to work up an active interest in his cause.

The church had acquired about $300,000,000 worth of landed property in Mexico, which was about one half of the real property of the republic. On July 12, 1859, Juarez published a law confiscating all the church property, except the churches and their contents, and separated the Church from the State.

During all these years of revolution and anarchy many outrages had been committed on the persons and property of foreign subjects, and especially European subjects. Moreover, when the church property was confiscated, no provision was made for the payment of the principal and interest on that portion of the property which had been mortgaged. Nearly all the mortgagees resided in Europe. Besides, Mexico had defaulted in its payment of the interest upon the public debt, which was principally owed to English bondholders. The principal claims of Spain and France stood on peculiar and doubtful grounds.

In September, 1859, the insurrectionary party made a treaty with Spain, which recognized the validity of certain claims which were denied by the Juarez government.

The claim of France grew out of a decree by Miramon, dated October 29, 1859, whereby Mexican bonds amounting to $15,000,000 were issued. It was charged that this decree of Miramon was published in collusion with one Jecker, an embarrassed Swiss banker, as a means of mutual profit between them.

The sum expected to have been raised by this issue was $750,000. Jecker failed in May, 1860, and this $15,000,000 of bonds passed into the hands of his creditors.

France set up a claim of $12,000,000 on account of certain wrongs done by Mexico up to the year 1861. Although the alleged wrongs had been committed for the most part, it was contended, on French subjects in Mexico, the claim was an extravagant one. The constitutional party conceded that all the international obligations must be assumed by the succes-

sive governments of the State, yet it claimed that the administration of Miramon was in no sense a government, but that it was only an unsuccessful revolution, and that therefore the obligations created by it were not binding upon the republic of Mexico.

Great Britain, France, and Spain, on October 31, 1861, entered into a convention at London, consisting of five articles.

The only one which is important here is the second article, which reads as follows:

"The high contracting parties engage not to seek for themselves, in the employment of the coercive measures contemplated by the present Convention, any acquisition of territory, nor any special advantage, and not to exercise in the internal affairs of Mexico any influence of a nature to prejudice the right of the Mexican nation to choose and to constitute freely the form of its government."[1]

The mode of redress which the three powers had ostensibly agreed upon was to seize Vera Cruz, Tampico, and other Mexican ports of entry on the Gulf of Mexico, and sequestrate the custom revenues at the Mexican ports. All purposes of conquest or of territorial acquisition were explicitly disclaimed and reiterated for a long period after the expedition set out.

In December, 1861, the allied armies of Spain, Great Britain, and France took possession of Vera Cruz, for the alleged purpose of protecting their citizens who were bondholders and mortgagees of the church property which had been confiscated by the Mexican government.

Great Britain and Spain soon adjusted their affairs and left Mexico. The French, who were really acting in concert with a powerful organization in Mexico, remained and took possession of the city of Mexico, and put Maximilian on the throne as emperor.

Maximilian to all outward appearances was firmly seated

[1] Annual Cyclopedia for 1861, page 467.

on the throne of Mexico by the close of the year 1864, except that guerilla bands roamed everywhere over the country. No suggestion was made up to this time by the government of the United States that we had a foreign policy that forbade the overthrow of a sister republic, and which would not permit a European to reign as emperor.

It is true, Mr. Seward, our Secretary of State, refused to acknowledge the Maximilian government, but he explained his refusal by pointing out that the new government had not yet obtained full control of Mexico, as the Juarez government still held a footing on Mexican soil and had its regularly accredited agents in this country. Moreover, on April 4, 1864, the House of Representatives, by unanimous vote, passed a resolution declaring the opposition of that body to a recognition of a monarchy in Mexico.

On April 7 Mr. Seward wrote to Mr. Dayton, our minister to France, explaining that any action of the House was unconstitutional, and that it was a decision which did not belong to the House, nor to Congress, but to the president. He further stated that the president directed him to say that he did not at present contemplate any change of policy from that which this government had hitherto pursued.

Our civil war having ended, Mr. Seward, on September 6, 1865, wrote a letter to Mr. Bigelow, then minister to France, mildly suggesting dissatisfaction with the conduct of France in Mexico.

Mr. Seward in his letter to Mr. Bigelow of December 16, 1865, says:

First: That the United States earnestly desire to cultivate sincere friendship with France.

Second: That this policy would be brought into imminent jeopardy unless France could deem it consistent with her interest and honor to desist from the prosecution of armed intervention in Mexico. He closes this letter by saying that "the United States will not recognize Maximilian, even if the French troops should be withdrawn from Mexico."[1]

[1] Annual Cyclopedia for 1865, page 321.

This diplomatic correspondence was kept up for nearly two years.

In the early part of 1864 a deputation of Mexicans which had in the preceding year tendered the imperial crown to Maximilian returned to Europe on a similar errand. On April 10 he received the deputation at his palace of Miramar. Giuterrez de Estrada addressed the Duke on behalf of the deputation, as he had done a year previously. Maximilian had declined the first offer of the crown, and required that he should be elected to the throne by the votes of the people of Mexico, and that he should have certain guarantees as well as the approval of his brother, the Emperor of Austria. This was all in accordance with the French programme. A farce of an election took place in some sections, and the result was declared to be in favor of Maximilian as emperor by "an immense majority."

Estrada in his address not only stated this fact, but asserted that the notables of Mexico, the municipal authorities, and the popular corporations were unanimously for him. To this flattering speech, concerning the action of a great people with respect to a man they had never seen and never heard of before, Maximilian replied at some length, in part as follows: "I may of good right consider myself the legitimate elect of the Mexican people; the first condition in my reply of October 3 is therefore fulfilled. The guarantees which the future empire require are now secured, thanks to the Emperor of the French. The august head of my family, upon his part, has given his consent to my taking possession of the throne offered me. Mexico has placed her confidence in a descendant of the House of Hapsburg, which three centuries ago planted a Christian monarchy upon her soil. This confidence touches me, and I shall not betray it."[1]

At the end of this interview the new sovereign was greeted by shouts of "God save the Emperor Maximilian I!" and by salvos of artillery from the castle and the city of Trieste.

[1] Annual Cyclopedia for 1864, page 519.

The deputation knelt and kissed the hand of the emperor, and immediately afterward the transaction was put into the form of a *procès-verbal* and signed by the parties. Thus was an emperor made and an empire formed on the ruins of a republic.

The emperor arrived at Vera Cruz May 28, 1864, and the imperial entry into the capital, the city of Mexico, took place on June 12 following. This entry was attended with a degree of pomp and circumstance such as has never before nor since been witnessed in Mexico.

The government of Maximilian was never in any manner recognized by the United States. The ambassadors and consuls of the empire were treated simply as private persons, and were not permitted to perform official acts. The ministers, consuls, and other officials of the Juarez government were uniformly recognized as the duly accredited officials of the Mexican government. While the diplomatic correspondence between Mr. Seward and the French government was being carried on, the United States sent a large army under Sheridan into Texas, which was located on the borders of Mexico. The ostensible object of this large force was to preserve neutrality between this government and the Mexican authorities, and to maintain peace and quietude in Texas. One of the real objects was that in case the pending negotiations with France should fail, this government would have a large force on the borders of Mexico, which could be moved with great celerity across the line, join with the forces of Juarez, and crush the French and the adherents of Maximilian by a sudden and decisive blow.

This condition of things filled the Liberal party of Mexico with fresh inspiration, and the hearts of the Imperial party with dismay. The diplomatic correspondence between Mr. Seward and the French government resulted in an agreement that the French troops should evacuate Mexico in three detachments, respectively in November, 1866, March, 1867, and November, 1867.

The French government, instead of following this plan,

began evacuating in January, 1867, and by the following February 5 the French had left Mexico.

By March 1, 1867, Maximilian was left at the head of the Mexican native troops and a small force of Austrian auxiliaries, with all the interior of the country, save a few isolated points, in the hands of the Liberals. It was a noteworthy fact in connection with the agreement between the United States and France that this government would not intervene in the affairs of Mexico after the evacuation by the French troops.

Mr. Bigelow, our minister to France, had proposed on his own responsibility to have the United States recognize the empire of Maximilian after the departure of the French, but the president disapproved of this tender of recognition. The agreement of non-intervention was in violation of the Monroe Doctrine. It was an agreement which was known at the time to possess no practical value because the empire of Maximilian was in a state of collapse, long prior to the French evacuation. The Empress Carlotta went to Europe to seek aid in strengthening existing alliances, and for the purpose of making new ones, which would come to the rescue and sustain the tottering empire of Maximilian in Mexico. She had an interview with the French emperor. On August 9, 1866, in answer to the inquiries of the American minister concerning certain rumors, the French Minister of Foreign Affairs replied: "We have received the empress with cordiality and courtesy, but the plan heretofore determined upon by the emperor will be executed in the way announced."[1] From Paris the empress went to Rome and had an interview with the Pope, and failed entirely in the object of her mission. She made a second visit to the Vatican, and on this occasion exhibited undoubted symptoms of impaired intellect, which soon developed into confirmed insanity. In this condition she was taken back to her palace of Miramar. The sad story of the continued lunacy of this charming princess and empress has called forth the sympathy of all mankind.

[1] Annual Cyclopedia for 1866, page 501.

The history of Maximilian and the empire after the evacuation of Mexico by the French was short and bloody, and need not be recited in detail.

On May 15, 1867, the Liberal forces entered Queretaro and took prisoner the entire Imperialist forces, including the Emperor Maximilian and his leading generals Miramon and Mejia.

The emperor had a force of eight thousand men, while the besieging force numbered eighteen thousand. The besiegers were aided in this capture by the treachery of General Lopez, an officer on Maximilian's staff. He was the bosom friend of Maximilian, and is said to have received $48,000 as the reward of his treachery. Maximilian, Miramon, and Mejia were tried by court-martial and sentenced to be shot on June 16, 1867.

When intelligence reached Maximilian's brother, the Emperor of Austria, that the former was besieged in the town of Queretaro, that monarch appealed through his minister at Washington to the United States government to interfere in behalf of the unfortunate prince. Secretary Seward immediately directed Mr. Campbell, our minister to Mexico, to communicate to Juarez "the desire of this government that, in case of capture the prince and his supporters may receive the humane treatment awarded by civilized nations to prisoners of war."[1]

Baron Magnas, the Prussian minister in Mexico, gave Juarez the assurance of his own sovereign and "all the crowned heads of Europe, united by ties of blood to the prince prisoner, that they would give all security that none of the prisoners shall again tread Mexican soil."[2] All these importunities were met with the same unrelenting firmness, and on June 19, after a respite of three days, Maximilian was shot by a platoon of Mexican soldiers, Miramon and Mejia were reduced from their rank as Mexican officers, stripped of all insignia of honor, and shot in the back as traitors to their country.

[1] Annual Cyclopedia for 1867, pages 498, 499. [2] Ibid., page 500.

When Maximilian found that his French support was to be withdrawn, and that his empire was in a state of collapse, he could have abdicated and returned to Austria. He preferred, however, to remain and share the fate of the party of Mexicans who placed him on the throne.

Benito Juarez, president of the Republic of Mexico, was a full-blooded Indian, born and reared in poverty, who had been educated by a charitable friar, and who dispensed justice and mercy in accordance with the instincts of his race.

The difference between the instincts of the Indian and the culture of the white man was seen in the treatment of these prisoners. If Juarez had been a white man he would have sent Maximilian home to Austria, where the wit, culture, beauty, and nobility of that empire would have visited his castle at Miramar as formerly, with music and song, in gondolas from Trieste; and where, as in the past, the merry laugh of childhood would have been again heard among the trees and winding avenues.

He should have pardoned Miramon and Mejia and exiled them, or permitted them to have lived among their countrymen whom they had betrayed, as objects of scorn and detestation. As it was, however, he added a long catalogue of executions to that of these three distinguished personages, and made the history of the empire of Maximilian a chapter of horrors.

Juarez was the greatest statesman that Mexico had produced up to his time. He was an ardent patriot, and honest as well, but there is no excuse for his want of consideration and kindness in dealing with his fallen foes.

Sentiment and respect for conditions are the jewels of a truly great and noble mind. The iconoclast is a brute, and his creed is the essence of brutality.

CHAPTER XVI

THE VENEZUELAN BOUNDARY

THE Dutch formed a colony on the Atlantic coast of South America, east of the Essequibo River, during their war for independence; and at the treaty of Munster, in 1648, this was recognized as a colony of Holland.

The Spanish colonies, of which Venezuela was a part, revolted in 1810, and in 1845 the independence of Venezuela, which had seceded from the United States of Colombia in 1830, was recognized by Spain.

Upon the organization of the Republic of Venezuela the Essequibo River was recognized in the constitution and laws of Venezuela as the boundary line. Spain had considered the Essequibo River the boundary, and she reaffirmed this view in her treaty with Venezuela in 1845, and there can be but little doubt that this river was the recognized line of division between the Dutch and Spanish possessions.

In 1814, Holland ceded to Great Britain the territories of Demarara, Essequibo, and Berbice. Great Britain acquired the rights of Holland, and Venezuela acquired the rights of Spain. The Dutch had taken some additional territory near the coast, west of the Essequibo River, but they did not go beyond the Parana and Moroco rivers.

In 1836, Great Britain sought to establish a lighthouse at Punta Barima, at the mouth of the Orinoco River. Venezuelan jurisdiction had been previously acknowledged by the British authorities at Demarara over that portion of the territory west of the Moroco River.

The claim of Great Britain that her territory extended as far west as Punta Barima on the Orinoco was first made in 1841, by an English engineer named Schomburhk, who surveyed the line and planted posts to mark it far west of the

Essequibo River, and not far distant from the Orinoco and touching its mouth at Punta Barima. Lord Aberdeen, in pursuance of the protests of Venezuela, ordered Schomburhk's posts removed, and explained that they were not intended to indicate possession.

In 1844, negotiations were opened; Venezuela proposed the Essequibo River and Lord Aberdeen proposed the Moroco River west of the Essequibo, and he asserted that Great Britain was willing to cede all the territory between the Moroco and Amacuro rivers, and that she claimed none of this territory.

Venezuela declined Lord Aberdeen's proposition, but when negotiations were resumed in 1876, she accepted it; then Lord Granville declined to agree to it, and proposed a line of his own which embraced a large tract of territory on the coast, but was identical with Lord Aberdeen's line in the interior. Venezuela protested against Lord Granville's line, and invoked the aid of the United States in the settlement of the question. Later on, a treaty with an arbitration clause in it was proposed by Lord Salisbury, when a change occurred in the ministry.

In 1886, negotiations were resumed with Lord Rosebery as successor to Salisbury, who proposed a new line not so far west as Lord Granville's, but made a demand for the free navigation of the Orinoco, which was rejected by Venezuela.

Great Britain took possession of the Yuruari territory far into the interior, to which she had no shadow of a claim, and which the Dutch had never occupied. This was found to be a rich mining territory.

Venezuela severed diplomatic relations with Great Britain. In December, 1889, the latter took possession of the main mouth of the Orinoco River, and declared Barima a British port. In 1890, Lord Salisbury announced that Great Britain would not arbitrate in regard to anything east of the Schomburhk line, and set up a new claim to territory beyond it.

On February 17, 1888, Mr. Bayard, then Secretary of State, and who had always been considered a great friend of England, wrote to Mr. Phelps, the American minister in London, a letter in which he laid bare in some degree the invalidity of the

claims of Great Britain, and suggested that our good disposition to aid in a settlement might not only be defeated, but be obliged to give place to a feeling of grave concern.

On July 20, 1895, Mr. Olney, Secretary of State, sent a letter to our ambassador at London, in which he asserted that distinctive American policy which was announced by Monroe.

Lord Salisbury did not answer Mr. Olney's letter until the points raised had been carefully considered by the law officers of the Crown.

In two notes, both dated November 26, 1895, he stated his belief that the Monroe Doctrine had never before been advanced in a written communication addressed to another government, and that it had undergone a notable development since 1823.

He referred to the Holy Alliance as a system which Monroe was combating, and maintained that he was supported in his position by his own countrymen, adding, "but the dangers apprehended by President Monroe have no relation to the state of things in which we live at the present day. Great Britain is imposing no system upon Venezuela, but the British Empire and the Republic of Venezuela are neighbors, having a controversy about boundaries, with which the United States have no apparent concern."[1]

He disclaimed any acceptance of the Monroe Doctrine, and said it was a novel principle, forming no part of international law, having never been recognized by the government of any other country.

It has been stated that Lord Salisbury further said that "no statesman, however eminent, and no nation, however powerful, are competent to insert into the code of international law a novel principle which has never been recognized by the government of any other country."

Upon the refusal of Great Britain to arbitrate the question of the Venezuelan boundary line, Cleveland, in his message of December 17, 1895, laid before Congress the fact of his failure to induce Great Britain to arbitrate the boundary question,

[1] Annual Cyclopedia for 1895, pages 748, 749.

reasserted the Monroe Doctrine with emphasis, and recommended that Congress should authorize the appointment of commissioners to report on the true boundary line. Congress thereupon unanimously authorized the appointment of commissioners, and the president appointed Justice David J. Brewer and four others as a commission to report on the true boundary line, which, however, they never did. This appointment led to further diplomatic correspondence between the United States, Great Britain, and Venezuela, and resulted in the appointment of a joint commission by Great Britain and Venezuela, which convened and settled the disputed boundary controversy.

Venezuela selected Chief Justice Fuller and Justice Brewer, both members of the Supreme Court of the United States. Great Britain appointed Lord Chief Justice Russell and Justice Collins.

Professor Martens of Russia, a learned commentator on international law, acted as presiding officer and umpire for this commission of arbitration, which met at Paris and, after hearing the evidence and the arguments of counsel, announced its decision on October 3, 1899. It gave back to Venezuela the rich mining territory of Yuruari, and extended the British coast line very far to the west, but not so far west as Punta Barima. British possession does not now extend so far west as the mouth of the Orinoco River.

The commission in making up its award considered not only the early history of the boundaries, but also the more recent facts of colonization and development. It was unanimous in its decision.

This coercion of Great Britain into an arbitration of the boundary line was rather a novel application of the Monroe Doctrine, and startled the nations of Europe into contemplating not only the sources of authority for such action, but into considering what might be its future possibilities and applications.

Lord Salisbury in his correspondence took the same view that many American statesmen did, that the Monroe Doctrine

could have no application except as against the Holy Alliance, or other alliances of European powers of a similar character.

Mr. Seward had not mentioned the Monroe Doctrine in his correspondence with France in regard to the empire of Maximilian in Mexico, and European nations were not formally made acquainted with the fact that we had a foreign policy known as the Monroe Doctrine.

CHAPTER XVII

GERMANY AND BRAZIL

THE comments of the German press at the outbreak of the war with Spain, as quoted in American journals, indicated that the government as well as the people of Germany were laboring under the misapprehension that the war grew out of the application of the Monroe Doctrine to Spanish affairs in the Island of Cuba.

These press comments further tended to show that this misapprehension was more or less shared in by nearly all the European governments except Great Britain. They gave forth the impression that there was serious danger of an alliance of a number of the leading powers of Europe with Spain against the United States, with a view of breaking down the Monroe Doctrine. This apprehension of a war with Europe happily passed away.

Later on, in May, 1900, Mr. Lodge of Massachusetts, speaking in the Senate of the United States in favor of more ships for the navy, said:

"I am by no means sure that some European nation (perhaps one whose navy is now receiving rapid increase) may not test the Monroe Doctrine, and we may be called upon to protect the doctrine in Brazil or in some other South American country. I am not conjuring up fancies, but I believe the way to preserve peace is to provide such a navy as no power in the world would care to encounter."

The distinguished senator palpably referred to Germany, for, prior to this note of warning from him, Admiral Dewey had become embroiled in a controversy with the German naval commander at Manila, which well-nigh brought on a war.

Since that date events have followed each other with considerable rapidity, all tending to show that Germany is seeking

to bring on a war with this country, while the German press has been outspoken and violent in its denunciations of the United States. This conduct of Germany will not be dwelt upon here, as the subject now under discussion is Germany and Brazil.

German colonization of southern Brazil is going on at a rapid rate. There are now about three hundred thousand Germans, or persons classed as Germans, in Brazil. At least two hundred and thirty thousand of them are in the States of Parana, Santa Catharina, and Rio Grand Do Sul. A large portion of the remaining seventy thousand are located in the States of San Paulo and Minas-Geraes. These five States all lie in one body and together constitute the southern portion of Brazil.

There are apprehensions that the German government has some colonization policy which it is seeking to work out in southern Brazil.

Dom Pedro II in 1841 was crowned Emperor of Brazil, which is about as large as the United States, exclusive of the recent insular accessions from Spain. He was a very enterprising ruler and early in his reign the Brazilian government made large donations of lands to immigrants upon condition that one hundred thousand of them should settle on the donated lands before the year 1862.

Such arrangements were made as gave these European immigrants free transportation from Europe to Brazil. The great bulk of this immigration was German, and while the tide of immigration thus originated has met with checks and drawbacks, it has never entirely ceased to flow from Germany.

New postal arrangements and new commercial relations have sprung up between Germany and Brazil, and the relations between Germany and these Brazilian colonies are quite intimate. Germany can do almost anything for the Germans of Brazil without violating the foreign policy of the United States, except that of overthrowing the republic and erecting a monarchy on its ruins.

In case of civil war, Germany could actively co-operate

with either side in the conflict. If war should occur between the Germans of Brazil and the other race elements, Germany presumably would be on the side of the former, and could so far aid the Germans of Brazil as to place the entire political power of the republic in their hands. All this and much more could be done without violating the Monroe Doctrine.

The five States of Brazil which we have referred to as being colonized by Germans, together are two and one-third times the size of Texas, over ten times the size of New York State and about eight and one-half times the size of New England.

The Republic of Brazil doubtless has times of sore trial not far ahead, for although the change from an empire to a republic in the year 1889 was a bloodless one, its baptism of blood has yet to come. Never did a monarchy give way to a republic under such remarkable conditions as occurred in Brazil. The revolution was brought about by the debating societies which were scattered in great profusion over the empire, and men were appointed and measures were adopted to work out the details.

The emperor, Dom Pedro II, was granted a pension and sent to Portugal where he could spend the remainder of his days in peace and quietude among his kins-people.

We can only wait to see what will be the fate of a republic which has no sacred memories of heroism and self-sacrifice at its birth; a republic which has no Bunker Hill, no Valley Forge, no Yorktown.

The German government originally had nothing to do with the colonization of Brazil. It was a Brazilian policy in its inception exclusively.

Emperor William of Germany was born and baptized in this state of affairs, and his able and superb statesmanship is simply directed to considering and doing those things which appear to him to be the best for Germany and the German people.

This colonization of Brazil by Germans, like all forms of emigration, met with the stern opposition of Bismarck. Until the year 1896, indeed, emigration to Brazil met with far

greater opposition from the German government than emigration to the United States.

When Dom Pedro's magnificent offer of lands to European settlers was published, the whole scheme thereupon took the form of a commercial enterprise, in which the Hanse cities of Germany became financially and commercially interested. The Confederacy of the Hanse cities for centuries commanded the respect and defied the power of kings. While their league has long since been broken, yet in a financial and commercial way, some of their old-time power is still felt. It enabled Dom Pedro to carry out his plans over the protests and opposition of the German government.

The natural increase of the German population in southern Brazil is marvellous. As a rule they rear from ten to fifteen children in each family. Blumenau, a colony which was settled by the Germans over fifty years ago, more than doubles itself every ten years. Southern Brazil is now called "Greater Germany," and the Germans exercise there a commercial and financial supremacy.

The German immigrants retain their allegiance to Germany and the customs of the fatherland, and those born in Brazil, though citizens of Brazil by law, consider Germany as their fatherland, celebrate all the German national festivals and anniversaries, and, as a general rule, speak the German language.

The native Brazilians are a heterogeneous population of mixed races, with but little, if any, of the sentiments of patriotism. They look upon the foreigners who migrate there as beings far superior to themselves, and indeed view them with inspirations of awe somewhat akin to those which the native Mexicans felt for Cortez when they heard his cannon thundering over their hills and through their valleys.

As a result of this condition of things the native population of Brazil possesses no power of assimilation and absorption of the immigrants who come to its shores.

On the other hand, the Germans have the power of assimilation and absorption, which goes on slowly, but nevertheless goes on as irresistibly as any other of the processes affecting

mankind which have been irrevocably settled by the registered decrees of fate. As the ages roll away and as these conditions obtain their fuller development, it may be found that German colonization of "Greater Germany" is the "stone cut without hands" which afterwards became a great mountain and filled the whole earth.

These conditions have quietly wrought a great change in German hopes and aspirations. Their numerous exploring expeditions have traversed the length and breadth of southern Brazil, but the result of their researches has never been proclaimed to the world to any great extent.

Dr. Leyser, a German traveller, in his book recently published concerning Santa Catharina, says:

"Nowhere are our colonies, those loyal offshoots from the mother root, so promising as here. To-day in these provinces, over thirty per cent of the inhabitants are Germans, or of German descent, and the ratio of their natural increase far exceeds that of the Portuguese. Surely to us belongs this part of the world, and the key to it all is Santa Catharina, stretching from the harbor of San Francisco far into the interior with its hitherto undeveloped, hardly suspected wealth. Here indeed, in southern Brazil, is a rich and healthy land, where the German emigrant may retain his nationality, where for all that is comprised in the word 'Germanismus,' a glorious future smiles."[1]

Dr. Herman Meyer, in a recent number of the "Kolonial Zeitschrift" writes: "The German spirit is ineradicably grounded in the hearts of these colonists, and it will undoubtedly bear fruit, perhaps a rich harvest, which will not only prove a blessing to the colonies, but to the Fatherland."[2]

The condition of things here mentioned has not escaped the attention of the Brazilians. It has become to them a source of continual and accumulating anxiety, for they see what appears to them to be a "handwriting on the wall" which foretells the destruction of their nationality.

[1] North American Review, Vol. CLXXVI, page 64.
[2] Ibid., page 65.

Dr. Murtinho of Brazil, one of the most eminent publicists in South America, in a recent speech admits that the native-born population is incapable of assimilating the large number of European emigrants who are pouring into Brazil, and he has sounded a note of alarm which has created a profound sensation in southern Brazil.

The processes of German assimilation in the five States of southern Brazil, or other causes, may at some time result in the organization of a separate government for them. If a majority of the people of the republic of Brazil, or of "Greater Germany," as the case may be, should voluntarily decide that they would become a part of the Empire of Germany, there would be nothing in the Monroe Doctrine to prevent it.

On October 23, 1863, Mr. Seward wrote to Mr. Dayton, our minister to France, as follows:

"Happily the French government has not been left uninformed, that in the opinion of the United States the permanent establishment of a foreign and monarchical government in Mexico will be found neither easy nor desirable.

"You will inform M. Drouyn de l'Huys, that this opinion remains unchanged. On the other hand, the United States cannot anticipate the action of the people of Mexico, nor have they the least purpose nor desire to interfere with their proceedings, or control or interfere with their free choice, or disturb them in the enjoyment of whatever institutions of government they may in the exercise of an absolute freedom establish. . . .

"The United States consistently with their principles can do no otherwise than leave the destinies of Mexico in the keeping of her own people, and recognize their sovereignty and independence in whatever form they themselves shall choose that this sovereignty and independence shall be manifested." [1]

The subsequent election of Maximilian by the Mexican people to the office of Emperor of Mexico was reported to him by the Mexican deputation which tendered him the

[1] Annual Cyclopedia for 1863, pages 644, 645.

crown, as having been carried "by an immense majority of the country, and the unanimous acclamation of the notables of Mexico." It was known in the United States that this election was a fraud and a farce, and it was so acted upon by the government.

According to Mr. Seward, the greatest expounder of our foreign policy, Brazil, like Mexico, could by the free choice of her people, adopt any form of government which they might choose, or they might become the subjects of any power, whether American or European.

It has been pointed out elsewhere that since the Monroe declaration New Zealand and the Fiji Islands have been colonized by Great Britain, and that since that time Great Britain has changed from a tenant of Spain to a position of sovereign in British Honduras.

While there is no statute of limitations which bars the right of the government, yet no American statesman would now seek to question the right and title of Great Britain in any one of these three acquisitions. The two insular acquisitions were so distant from the United States that the subject never attracted public attention, while in the case of Honduras, the whole matter went by default, and no question has ever been raised concerning Great Britain's right to that country, and it has been implied that her title is good, and not an invasion of our foreign policy.

Southern Brazil is a remote part of this hemisphere, and it would be no violation of precedent to accord to Germany any rights there which she might see fit to assert under the mild and gentle forms of friendly diplomacy.

The first hundred years of the republic of the United States was made illustrious by the services of its constructive statesmen, such as Washington, Hamilton, Jefferson, and Marshall, and later on by the prowess and patriotism of its citizen soldiery.

If the republic is to be carried through the second hundred years as successfully and as grandly as through the first, it will depend largely on its tactfulness and skill in the world-wide

field of diplomacy, and upon the strength and effectiveness of its navy.

This "stone cut without hands" from the quarries on the Rhine may roll over the Latin-American republics and crush them. These republics may have been the image which Nebuchadnezzar dreamed about, — its head of gold, breast and arms of silver, belly and thighs of brass, representing the three co-ordinate branches of government; its legs of iron, and feet part of iron and part of clay, representing the people on which their governments rest, made up of whites, Indians, and negroes, the last two furnishing the clay for the feet. Daniel, in interpreting this dream, evidently told Nebuchadnezzar only that portion which was needful for him to know, in order to quiet his nervousness, leaving time itself to reveal the balance to men of ordinary understanding. It was a matter of no concern to him how history might repeat itself in the rise and fall of other empires.

Whenever the various causes of agitation between the United States and Germany have taken the form of diplomatic correspondence, Germany has shown a friendly regard and consideration for the former which is not in keeping with the denunciations of the German press. The present Emperor of Germany has been undertaking to inform himself concerning the nature and extent of our foreign policy, rather than to make any direct assault upon it.

CHAPTER XVIII

GERMANY AND DENMARK

THE United States and Denmark had entered into an agreement whereby the latter conveyed to the United States the Danish West Indian Islands for the consideration of three millions of dollars. Denmark seemed to be more than glad to rid herself of these islands, which she regarded as an incumbrance, while the islands themselves were more than pleased with the change and voted for it.

All that was necessary to be done to make the transaction complete was to have the treaty of cession ratified by the Landsthing of Denmark. No doubt seemed to exist in the mind of any one in this country that the Landsthing would ratify what the government had done in ceding the islands to the United States. The treaty came up for ratification in that body in October, 1902, and was rejected by a majority of one vote. This action of the Landsthing came as a surprise to the governments and people, both of Denmark and of the United States.

Germany has been for years devising ways and means to obtain coaling stations and harbors for her vessels in the Caribbean Sea. A constant and all-absorbing topic of interest and speculation with her has been as to the best methods of accomplishing that object. She has investigated the nature of our foreign policy, and finds that as matters stand at present she could not peaceably acquire any islands or territory in this hemisphere. The eyes of Germany have been fixed upon the Danish West Indian Islands as being the most feasible investment for her if the conditions should so change as to enable her to acquire them peaceably.

Under these circumstances, and inspired by these hopes, it is believed in America that Germany exerted her influence upon the Landsthing, and thereby defeated the treaty of cession of the islands by Denmark to the United States. The German press was decided in its opposition to this cession.

German expectations had three foundations to rest upon:

First: The abrogation of the Monroe Doctrine as the result of a war between the United States and certain European powers.

Second: The voluntary abandonment of "this traditional foreign policy" by the United States, or the negligent assertion of it by some weak, vacillating, and pusillanimous administration.

Third: The Franco-Prussian war and the consolidation of the German Empire which followed, and which gave a new impulse to German unity and aggressiveness.

From the time of Napoleon to that of the old Emperor Wilhelm, Germans had but little to do except emigrate and scatter and lose their identity among the nations of the western world. It would not be beyond the bounds of possibility for United Germany some day to extend her European borders coincident with, or even beyond, the former empire of Charlemagne.

Denmark, geographically, rests upon the face of Germany like the tip end of the tusk upon the nose of a rhinoceros. While the hatred of the Danes by the Germans is a factor to be considered, yet it would not be sufficient to prevent the absorption and consolidation of Denmark with the German empire.

The duchies of Schleswig and Holstein were wrested from Denmark by the peace treaty of Vienna in October, 1864. These two duchies, which formed no inconsiderable portion of the little kingdom of Denmark, now constitute a part of the Empire of Germany. It is within the bounds of probability that what remains of Denmark will some day be absorbed by Germany. These facts, coupled with the needs of Germany's large and increasing navy, furnish a key to

Germany's opposition to the cession of the Danish West Indies to the United States.

In case Denmark and her insular possessions should become a part of Germany, a very complicated question would arise concerning the application of the Monroe Doctrine to the transfer, for the doctrine as now expounded would prohibit Denmark from ceding the islands to Germany; but they would pass incidentally to the latter, not by cession but by the absorption of Denmark itself.

This would present the question in a form which has never as yet been considered. If Denmark should voluntarily attach herself to Germany, and if the islands by a free and fair vote should decide to follow the lead of Denmark into the German Empire, then the case would come within the rule, as stated by the Lincoln administration to France, when it informed France that the United States would not oppose any form of government for Mexico which was decided upon by the free and voluntary choice of the people of Mexico.

The United States would, no doubt, construe the Monroe Doctrine as forbidding any form of transfer of any islands or territory in this hemisphere to a European power, unless it took place by the free choice of the people. The United States would be the sole judge of the regularity and fairness of the election, as it was in the case when Maximilian was unanimously elected Emperor of Mexico by the vote of the Mexican people.

Our foreign policy is an unwritten law, and the United States will never be embarrassed by any technical rules in its construction and elucidation.

CHAPTER XIX

THE ISTHMIAN CANAL

A CANAL across the Isthmus became a subject of interest and agitation soon after the discovery of America. Cortez had a survey made for that purpose about the time of his conquest of Mexico. Philip II, King of Spain, employed two Flemish engineers to survey a route near where the present Panama canal route is located. Owing to the insuperable difficulties and the great expense, and to political reasons as well, after hearing the report of the engineers, he ordered that no one should revive the subject or make any propositions concerning it, under penalty of death.

The idea of constructing a canal across the Isthmus was entertained by the people of the United States at a very early date. On March 3, 1835, the Senate adopted a resolution requesting the president to consider the expediency of opening negotiations with Central America, New Granada, and other nations with reference to the construction of a ship canal across the Isthmus.

Polk, in his message of February 10, 1847, transmitting the treaty of 1846 with New Granada to the Senate, says that the interest on the part of the government of the United States for a canal across the Isthmus was awakened when the Spanish-American republics achieved their independence of Spain.

Ferdinand de Lesseps, who had built the Suez Canal, organized a French company in 1881. His plan was to dig a canal seventy-two feet wide at the bottom, and twenty-eight feet deep below the sea level, from ocean to ocean, a distance of forty-six miles.

He began operations on the canal in the fall of 1881, and had raised and expended, up to June 30, 1886, 772,545,412

francs in its construction. The expenditures far exceeded the estimates, and French pride having become enlisted in the enterprise, the French government authorized the issuance of lottery bonds amounting to 600,000,000 francs, which it did not guarantee, but on which it guaranteed certain prizes to the winners. The bonds were known as the Canal Lottery Bonds, and were drawn like any other prizes in a lottery. Only a part of these bonds were sold.

The Canal Company suspended operations in March, 1889, in a hopelessly insolvent condition. Concerning the scandals which ensued in government circles in France, we have nothing to do except to point them out as being instructive to any government which contemplates lending its aid to a private enterprise.

The work of the French company was not wholly barren of substantial results. M. de Lesseps, at the meeting of his Board of Directors in Paris on July 21, 1887, recommended that the plan of the canal be changed so as to make it a canal whereby vessels were elevated by means of locks. His recommendation was adopted. He had, however, in a lecture delivered in Paris a few years before, advocated the digging of a canal deep enough below the sea level to admit of the passage of the largest ships without locks. His change of views was no doubt brought about, in part at least, by the difficulties he had to encounter at the Culebra Mountain.

According to the survey and report of Lieutenant Rogers of the United States navy, made in March, 1887, Culebra is a mountain of sand, alluvium, conglomerated and schistous shale, which becomes saturated by the excessive rains of that latitude, that cause its material to slide toward the lower level of the canal. The dry weather causes this land to crack open, and deep fissures are formed, which also result in land slides into the canal.

The difference between high and low water mark at Colon, on the Atlantic side, is not more than twenty-three inches. At Panama, on the Pacific side, the difference is generally thirteen feet, but sometimes it is nineteen and

one-half feet. This may be another reason in favor of a lock canal.

Great Britain and the United States abrogated the Clayton-Bulwer treaty. They submitted a new treaty known as the Hay-Pauncefote treaty, dated November 18, 1901, which the Senate afterwards ratified. By this repeal and the formation of this new treaty the foreign policy of this government, in respect to the Western Hemisphere, becomes re-established.

Accordingly, in the year 1902, the Congress of the United States passed an Act for the construction of a canal across the Isthmus from Colon to Panama on the same line which Count de Lesseps had followed.

The importance of this canal in enabling this government to sustain its foreign policy in this hemisphere cannot be over-estimated.

The effect of choosing this particular route for the canal instead of the Nicaragua route is to forever deter or prevent European capitalists from building any other canal across the Isthmus; for if the Nicaragua route had been selected instead of the Panama route, private enterprise, fostered and encouraged by European governments, would doubtless at no distant day have completed the construction of the Panama Canal.

This would have been a constant and an all-pervading menace to the United States in its attempt to enforce its policy. It would likewise have been a source of weakness and insecurity to the government in all its relations and dealings with foreign governments.

Senator M. A. Hanna of Ohio, in his speech in the Senate June 6, 1902, in favor of the then pending Panama Canal bill, said: "If, as I claim, the route of the Panama Canal is the best for the canal; and if for any cause we should decide to construct a canal along the Nicaragua route, what assurance and what guaranty have we that some other nation or parties may not decide to finish the Panama Canal upon its own responsibility?"[1]

The geographical position of the Panama Canal is such

[1] Pamphlet copy of speech furnished by Senator Hanna.

that the selection of this route by the United States renders it improbable that any other canal will ever be built, either as a public or private enterprise. Thus the government is strengthened in the maintenance of its foreign policy by the canal route which has been selected.

It is remarkable what good-will the United States has met with on the part of the other American republics in its purpose to construct a canal across the Isthmus.

The International Conference of the American States in January, 1902, unanimously adopted the following resolution:

"The Republics assembled at the International Conference of Mexico applaud the purpose of the United States Government to construct an interoceanic canal, and acknowledge that this work will not only be worthy of the American people, but also in the highest sense a work of civilization and to the greatest degree beneficial to the development of commerce between the American states and the other countries of the world." [1]

The following is the first article of the Clayton-Bulwer treaty of April 19, 1850.

"Article 1. Neither government will ever obtain or maintain for itself any exclusive control over the said ship canal, nor erect nor maintain any fortifications, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor make use of any protection which either affords or may afford, or any alliance which either has or may have to or with any state or people, for any of the above purposes, nor use any alliance or influence that either may possess with any state or government through whose territory the canal may pass, for the purpose of acquiring for the citizens or subjects of the one any rights of commerce or navigation which shall not be offered on the same terms to the citizens or subjects of the other." [2]

[1] Senate Document 330, page 57.
[2] United States Statutes at Large, Vol. IX, page 995.

Dissatisfaction sprang up in the United States with the Clayton-Bulwer treaty as soon as it had been ratified. October 17, 1856, the Clarendon-Dallas treaty, which amended it materially, was ratified by the Senate, but the British government declined to concur. On February 12, 1856, Senator Wilson of Massachusetts in a speech recommended that this government should declare the Clayton-Bulwer treaty null and void. In so doing Mr. Wilson voiced the opinions and sentiments of the great body of American statesmen from that day to this. The abrogation of the Clayton-Bulwer treaty was agitated during Hayes's administration. When Garfield was elected, Mr. Blaine, Secretary of State, tried his hand at it with Earl Granville, but failed.

Mr. Frelinghuysen, who succeeded Mr. Blaine as Secretary of State, took the matter up with Lord Granville, but met with no better success than Mr. Blaine. The United States was becoming embittered toward Great Britain in consequence of the treaty and in consequence of Great Britain's continued refusal to consent to its abrogation. Its recent abrogation by the Hay-Pauncefote treaty has improved the attitude of the people of the United States toward Great Britain more than any other circumstance which has arisen in the last fifty years. During all this correspondence, which, happily for both countries, terminated with the abrogation of the Clayton-Bulwer treaty, the United States steadfastly claimed that any canal that should be built must be under the political control of the United States. The new treaty concedes this claim and much more, and the United States government will build and control the canal.

New and serious obstacles to the conclusion of the Panama Canal treaty between this government and Colombia sprang up in the autumn of 1902. While the civil war was raging on the Isthmus, Admiral Casey of the United States navy refused to permit Colombia to transport her troops and munitions of war on the Panama railroad. He was constrained to do this because he feared that this action would cause the revolutionary army on the Isthmus to attack the railroad.

Our government explained and directed Admiral Casey not to prohibit the transportation of government troops, unless he was absolutely certain that their presence would invite attack. Colombia in consequence demanded a revision of the treaty of 1846.

The presence of a large naval force of the United States in the vicinity of the Panama Canal, and the action of Admiral Casey in prohibiting the transportation of troops inspired the Colombian government and people with the fear that the United States contemplated a permanent occupation of the Isthmus. As a result of this condition of things, the building of the Nicaragua Canal again came up for discussion in the United States.

After the passage of the Act for the construction of the Panama Canal by the Congress of the United States, a treaty was made between the United States and the Republic of Colombia for the construction of the canal. This treaty is known as the Hay-Herran treaty. It required the ratification of the government of Colombia before it could take effect.

The Colombian Congress was convened by President Marroquin in the summer of 1903, for the sole purpose of taking action upon the treaty. The session of this congress was quite protracted, and the reports which reached the United States concerning its deliberations were vague, conflicting, and unsatisfactory. When the congress came to vote on the measure it was unanimous against the ratification of the treaty.

A few weeks followed, in which the people and the press of the country were asking the question: What step will our government now take? Will it now turn to the Nicaragua route, or will it negotiate further with Colombia? This question remained unanswered until the early days of November, 1903, when rumors reached this country that the people of Panama had risen in revolution against the Colombian government, and had declared their independence. This information was immediately followed by a recognition by

this government of the Republic of Panama, and diplomatic relations were at once established with it. Orders were issued to our navy in the vicinity of Colon and Panama, directing that Colombia should not be permitted to land troops within fifty miles on either side of the canal.

There are two forms of recognition by neutral powers which are governed by principles which are more or less well settled by the rules of international law. The one is a recognition of belligerency; the other is the recognition of the *new State*. The recognition of belligerent rights of the insurrectionary state by a neutral power naturally precedes the recognition of the *new State* as a sovereign and independent nation. Both these forms of recognition have been made at one and the same time in the case of Panama. The greater includes the less, and its recognition as an independent republic carries with it by implication the exercise of belligerent rights. The doctrine concerning the recognition of belligerency is stated by a text-writer in these words:

"When a civil conflict exists within a state, the question arises whether the state of war shall be recognized by other nations as existing. Such recognition by a foreign government is justifiable only when necessary for the protection of its own interests, and if prematurely given can be regarded as a demonstration of sympathy with the rebellion. When the contest is of a purely internal character, entirely within the territory of the state, it is not the practice, nor is it justifiable, to recognize the insurgents as belligerents. A foreign state which is adjacent to the seat of insurrection may, however, be justified in such recognition when states not similarly situated would not be so justified. When the insurrection assumes such a form as to raise a reasonable expectation of maritime hostilities, or when acts are done at sea by one party or the other, which would be acts of war if done between states, recognition of belligerency is fully justified. The state of things between the insurgents and the parent state must, however, amount to a war, since the recognition is supposed to be purely of the war as a fact,

and the recognition should not be given unless the insurgents have a *de facto* political organization which is in control of a definite territory." [1]

The doctrine concerning the recognition of a new State is given by the same text-writer as follows:

"Apart from the rare instances in which a state is formed upon territory not previously belonging to a civilized power, or in which a state is brought by increase in its civilization within the realm of international law, new states generally come into existence by breaking off from an existing state. In this latter case, the question of recognition of the independence of the new state, either by the parent country or by a third power, arises. A third power is not justified in giving such recognition until independence is actually established, or while a substantial struggle to subdue the new state is being made by the parent country, but recognition is proper when the efforts to recover authority are so inadequate as to offer no reasonable ground for supposing that success may ultimately be obtained. Premature recognition is considered as equivalent to intervention, and may on occasion be cause for war on the part of the parent state against that giving the recognition. Such recognition of a new state as an independent nation may be by express declaration addressed to the new state, by negotiation of a treaty with it, by reception of its diplomatic agents or sending a minister to it, and in general by any act fairly indicating an intention to recognize it." [2]

John Quincy Adams, Secretary of State, writing to President Monroe in 1816, pointed out admirably the considerations of law, of morals, and of expediency which are involved in recognition. Mr. Adams said:

"There is a stage in such [revolutionary] contests when the party struggling for independence has, as I conceive, a right to demand its acknowledgment by neutral parties, and

[1] American and English Encyclopedia of Law, second edition, Vol. XVI, page 1141.

[2] Ibid., page 1129.

when the acknowledgment may be granted without departure from the obligations of neutrality. It is the stage when the independence is established as a matter of fact, so as to leave the chance of the opposite party to recover their dominion utterly desperate. The neutral nation must, of course, judge for itself when this period has arrived; and as the belligerent nation has the same right to judge for itself, it is very likely to judge differently from the neutral, and to make it a cause or pretext for war, as Great Britain did expressly against France in our Revolution, and substantially against Holland. If war thus results, in point of fact, from the measure of recognizing a contested independence, the moral right or wrong of the war depends upon the justice and sincerity and prudence with which the recognizing nation took the step. I am satisfied that the cause of the South Americans, so far as it consists in the assertion of independence against Spain, is just. But the justice of a cause, however it may enlist individual feelings in its favor, is not sufficient to justify third parties in siding with it. The fact and the right combined can alone authorize a neutral to acknowledge a new and disputed sovereignty."[1]

In delivering the opinion of the Supreme Court of the United States Mr. Justice Grier said: "A civil war is never solemnly declared. It becomes such by its accidents."[2] In the same opinion he says: "War has been well defined to be 'that state in which a nation prosecutes its right by force.'"[3] The same opinion continues in this language: "If a war be made by invasion of a foreign nation the president is not only authorized but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority."[4]

There is a popular misapprehension concerning the commencement of a war between nations by supposing that it

[1] American and English Encyclopedia of Law, second edition, Vol. XVI, page 1129, and note 1.

[2] Prize Cases, Black, Vol. II, page 666.

[3] Ibid.

[4] Ibid., page 668.

must be preceded by a declaration. "Though it is sometimes stated that war should be preceded by a declaration or notice to the enemy, and such was the practice until the last century, this formality is not now regarded as essential, and in practice it is usually omitted. There have been only eleven formal declarations of war since 1700, and during this century, since 1870, over sixty wars or acts of reprisal have been begun without formal notice."[1]

On November 6, 1903, John Hay, Secretary of State, issued a statement of considerable length, setting out the reasons why the administration intervened and recognized the Republic of Panama. Among other things, it was asserted that it was done in order to comply with our treaty obligations of 1846 with New Granada, and because the obligation of that treaty is a covenant which runs with the land.

This act of intervention could not be justified on the ground that the obligations of the treaty ran with the land. Covenants which run with the land run in favor of the grantee, his heirs or assigns. They do not run in favor of a stranger to the title.

Events followed each other in rapid succession. On November 9, 1903, Congress convened. On November 13 the president received Señor Philipe Bunau-Varilla as the accredited representative of the Republic of Panama. On November 18 the Hay–Bunau-Varilla treaty was signed. On December 2 this treaty was ratified by the Republic of Panama by being signed by J. A. Arango, Thomas Arias, and M. Espinosa, members of the Junta.

People may continue to ask themselves the question, What constitutes a State? The question, What constitutes a republic? is easily answered. It takes three persons to constitute a republic, the same number that is required to constitute a riot. Inasmuch as the Republic of Panama had no constitution, no legislature, no statutes, no judiciary, and no constabulary, when it made this treaty, the difference between

[1] American and English Encyclopedia of Law, second edition, Vol. XVI, pages 1140, 1141.

it and a riot was not great. On December 7, 1903, President Roosevelt's message was placed before Congress, embracing a copy of the treaty with Panama for ratification by the Senate.

This treaty contains the canal concessions by Panama, and it embodies a guaranty on the part of the United States of the sovereignty and independence of Panama. It stipulates for the payment of ten million dollars cash to the Republic of Panama. The ratification of this treaty was opposed by Senators Gorman of Maryland, Teller of Colorado, Carmack of Tennessee, Morgan of Alabama, Bailey of Texas, Tillman of South Carolina, and others. Their principal objections to the treaty and to the course of the president in the matter can be briefly epitomized thus: that the act of the president in so hastily recognizing the independence of Panama was unjustifiable, and would justify Colombia in declaring war upon the United States.

Another contention of these senators was that Congress alone had the power to commence a war upon another nation.[1]

A further contention was that the action of the president in using the navy to prevent Colombia from landing troops within fifty miles of Colon and Panama was not only a violation of our neutrality laws, and a violation of the treaty of 1846 with New Granada, but a violation of the Constitution.

The Act of Congress of April 20, 1818, prohibits any citizen of the United States from fitting out any vessel to be employed in the service of any foreign State against any State with which the United States is at peace. This Act also prohibits any person to set on foot or provide for, or prepare any military or naval expedition or enterprise against any foreign State or people with whom the United States is at peace.[2]

[1] Constitution of the United States, article 1, section 8, sub-sections 11, 12, 13, 14.

[2] United States Statutes at Large, 447 to 450; United States Revised Code (1875), Sections 5281 to 5291.

The material portion of the treaty of 1846 reads thus:

"The government of New Granada guarantees to the government of the United States that the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the government and citizens of the United States. . . . And, in order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages, and for the favors they have acquired by the 4th, 5th, and 6th articles of this treaty, the United States guaranty positively and efficaciously to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned Isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and in consequence, the United States also guaranty, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory."[1]

In his messages to Congress President Roosevelt made a very forcible and manly statement of the entire matter. He was defended in the Senate by Senators Lodge of Massachusetts, Depew of New York, Platt of Connecticut, Foraker of Ohio, and Fairbanks of Indiana. They contended that the action of the president in the matter was correct; that the recognition of a new State was a prerogative of the executive, and that President Roosevelt's instructions to the navy to prevent Colombia from landing troops was justified by the circumstances and was not more extraordinary than the conduct of Thomas Jefferson in the Louisiana purchase, when he conceded that he did not possess the constitutional authority to make the purchase.

They contended that the conditions of anarchy existing in Colombia were such as to render the usual principles of international law to a very large extent inapplicable to a situation such as was presented by this affair; and that the action of

[1] United States Statutes at Large, Vol. IX, page 881.

President Roosevelt should be viewed with reference to these anomalous conditions. Senator Depew contended that a failure to ratify the treaty under existing circumstances would be to make the United States *particeps criminis* in defrauding the New Panama Canal Company of France out of its property rights, because of the fact that in consequence of the existing negotiations with it the company's property rights and franchises would soon expire by limitation.

The Democratic party in the Senate did not unite in opposition to the treaty. Several Democratic senators favored it, among whom were Senators Bacon of Georgia, Clarke of Arkansas, and Simmons of North Carolina. Moreover, the legislatures of Louisiana and Mississippi, which are Democratic bodies, passed resolutions requesting their senators to vote for the ratification of the treaty with Panama. Senator Clarke of Arkansas made a very able speech in the Senate, in which he defended the administration and favored the ratification of the treaty. Senator Money of Mississippi made a speech in favor of ratification, but offered some criticisms.

The position of the Democratic party with reference to a canal across the Isthmus is announced in its national platform of 1856 thus:

"*Resolved*, That the great highway which nature, as well as the assent of the states most immediately interested in its maintenance, has marked out for a free communication between the Atlantic and Pacific oceans constitutes one of the most important achievements realized by the spirit of modern times and the unconquerable energy of our people. That result should be secured by a timely and efficient exertion of the control which we have the right to claim over it, and no power on earth should be suffered to impede or clog its progress by any interference with the relations it may suit our policy to establish between our government and the governments of the states within whose dominions it lies. We can under no circumstances surrender our preponderance in the adjustment of all questions arising out of it." [1]

[1] "National Platforms," by McKee, page 54.

The wisdom of guaranteeing the independence and sovereignty of Panama against all the powers of the earth may fairly be questioned if it is contemplated that these relations are to continue for any great length of time. This impudent little republic would be constantly coming in conflict with the various powers as it hisses and shakes its rattles, coiled up across the pathway of the world. It could not give protection to the life, liberty, or property of its own citizens; much less could it afford any protection to foreigners.

Its revolutionary elements could not be expected to become law abiding under a weaker government than Colombia. If commerce is to flow through the canal in an unbroken stream, sanitary improvements will be required in its vicinity on an extensive scale. The sooner that Panama becomes a territory of the United States, the better for all the nations and peoples concerned.

The country is indebted to the late Senator Hanna of Ohio for the legislation which thrust aside the Nicaragua route and substituted the Panama route. In this canal matter alone he has builded for himself a monument which any statesman could well view with pride. Senator Hanna in his brief political career placed himself in the front rank of American statesmen. He changed, as if by magic, both houses of Congress from the support of the Nicaragua route to the Panama route. His speech was masterly and convincing, but his commanding and forceful personality, rather than the speech was the prime cause in producing the change of views among the members of Congress.

On February 23, 1904, the treaty with Panama was ratified without amendment by the Senate by a vote of sixty-six senators for it to fourteen against it.

The detailed vote by which the treaty was ratified shows that all the Republicans present voted for it, while the Democrats were divided, as follows:

Ayes: Bacon, Berry, Clarke of Arkansas, Clay, Cockrell, Foster of Louisiana, Gibson, Latimer, McCreary, McEnery, Mallory, Money, Simmons, and Taliaferro.

Nays: Bailey, Bate, Blackburn, Carmack, Culberson, Daniel, Dubois, Gorman, Morgan, Newlands, Patterson, Pettus, Teller, and Tillman.

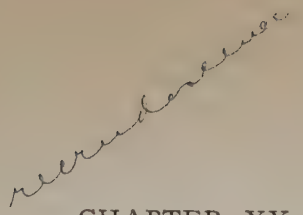
There were six senators absent and paired for the treaty, and three absentees paired against the treaty. If a full Senate had been present and voting, the final vote would have been 72 for and 17 against.

The pairs were: Quay of Pennsylvania and Clark of Montana with Overman of North Carolina; Foster of Washington and Hawley of Connecticut with McLaurin of Mississippi; Burton of Kansas and Stone of Missouri with Martin of Virginia. The pairs were two to one, as a two-thirds vote was necessary.

The small but able body of senators who voted against the ratification of the treaty was not opposed to the construction of a canal. These senators were opposed to the treaty not only on account of the considerations heretofore named, but on account of the fact that they, or most of them, believed that the Nicaragua route was preferable. The canal bill, which was approved June 28, 1902, contained a provision in section four, popularly known as the Spooner Amendment, which provided that should the president be unable to obtain a satisfactory title and the control of the necessary territory for the Panama route within a reasonable time and upon reasonable terms, efforts should be made to secure a route from Costa Rica and Nicaragua. The minority contended that upon the refusal of Colombia to ratify the Hay-Herran treaty the law became mandatory upon the president to abandon the Panama for the Nicaragua route.

These honest differences of opinion have become simply a matter of history, while both the great political parties of the country will now most cordially unite in pushing the work to a successful completion on the Panama route.

This stupendous work is to be performed by the United States. It is needful that the people of this country should be prepared to meet the new responsibilities which are imposed upon them by these new relations with South and Central America.



CHAPTER XX

THE RECRUDESCENCE OF REVOLUTIONS

THE condition of revolution, anarchy, and military despotism which has prevailed and which still prevails among the Spanish republics necessarily forces upon the United States a consideration of the question as to what this government can do or ought to do to aid these republics to lift themselves up and out of these conditions and give them well ordered governments.

The maintenance of the Monroe Doctrine itself begets a responsibility on the part of the United States to see that its foreign policy is not a shield to protect the continued existence of revolution, anarchy, and military despotism.

The following is a brief sketch of these revolutionary conditions, beginning with the Republic of Mexico. A national Congress convened September 13, 1813, and this body declared Mexico independent on October 13 following, and a constitution was promulgated on October 22, 1814. For several years subsequently a merely partisan warfare among the patriot leaders took place, who were gradually driven from the field, killed, imprisoned, or obliged, like wild beasts, to hide in the mountains, until, in 1820, the authority of Spain appeared to be fully re-established in Mexico. Another revolution began by proclaiming Mexico independent on February 24, 1821. An executive junta of five persons was formed, one of whom, Don Augustin Iturbide, was chosen president. On May 19, 1822, Iturbide was elected Emperor of Mexico by the Mexican Congress, by a vote of sixty-seven in favor to fifteen against. The decision was not a valid one, because the law required one hundred and two members to be present. Only ninety-four were present. He ascended the throne under the title of Augustin I, Emperor

of Mexico. A revolution followed, of which Santa Anna was the leader, resulting in the abdication of the throne by Iturbide on March 19, 1823. The latter was sent into exile in Italy upon an annuity of $25,000, and there he took up his residence, with his family. He secretly, however, returned to Mexico, where he was tried and convicted, and shot as a traitor. A few months after his abdication of the throne the Mexican Congress conferred the executive power of the government upon a military triumvirate composed of Generals Nicolas Bravo, Guadalupe Victoria, and Pedio Celestrio Negrete.

A constitution modeled after the Constitution of the United States was adopted, and on October 10, 1824, Victoria became president and Bravo vice-president for a term of four years. Bravo joined an armed rebellion against the government, of which Santa Anna was the leader, was impeached and sent into exile, but later was allowed to return. Gomez Pedraza was constitutionally elected to succeed Victoria by a vote of eleven States for him to seven States for Guerrero. A revolution followed, which resulted in Pedraza secreting himself and fleeing the country from the successful and infuriated revolutionists.

The Mexican Congress assembled on January 1, 1829, and annulled the election of Pedraza and chose Guerrero as president to succeed Victoria, who was the first president under the constitution. Thus the constitution itself was ignored and trampled upon by Congress before the end of the term of the first president. Victoria's term ended on April 1, 1829. Guerrero was elected and took the office as president. Yucatan seceded, a new revolution was started among the people, and Guerrero was seized, tried, and condemned to death. He was shot on February 14, 1831, before the second year of his presidential term had expired. The action of Congress in electing him was a gross violation of the constitution. There was no provision of the Mexican constitution which conferred on Congress the right or power to set aside a regular and valid election of a president and substi-

tute a president of its own instead. The execution of Guerrero placed Bustamente, the vice-president, at the head of the government as president. Bustamente's title to the vice-presidency was good. He had been elected vice-president at the same time Pedraza was elected president, and was also elected vice-president by Congress when it elected Guerrero.

Revolutions now followed each other in rapid succession until, in 1833, Santa Anna became president and Bustamente and his principal adherents were sent into exile. Texas seceded, and Santa Anna was defeated and taken prisoner at the battle of San Jacinto.

Bustamente became president April 19, 1837, but was succeeded by Santa Anna, who after a visit to President Jackson at Washington had been sent back to Mexico in a United States ship-of-war. He held the office of president till July 10, 1839, when Nicolas Bravo became president for a week. A long period of confusion followed during which the constitution was suspended and the government became a dictatorship, at the head of which were Santa Anna, Bravo, and Canalizo, from October 10, 1841, to June 4, 1844. Constitutional government was resumed in 1844, with Santa Anna as president, under a constitution promulgated June 12, 1843. Santa Anna was deposed and banished by a revolution, and was succeeded, September 20, 1844, by Canalizo, who was himself deposed by a revolution December 6 of the same year. His successor, Herrera, was driven from office by a revolution in December, 1845, when he was succeeded by General Ampudia, under whose administration the war with the United States was commenced.

Santa Anna returned from banishment and took command of the Mexican army, and fought the United States with vigor. He gained supreme power, but at the close of the war he was forced to leave the country and go to Jamaica, and Herrera resumed the presidency from which he had been driven. Herrera was succeeded by General Arista as president in January, 1853. Santa Anna was recalled from banish-

ment by a decree issued in March, 1853, and for the fifth time he was placed at the head of the government with the title of president on April 20, 1853. He was suspected of a design to convert the republic into a monarchy. A revolution ensued resulting in the flight of Santa Anna, in August, 1853. General Carrera thereupon became president, which position he held for twenty-seven days, when he was compelled to retire, September 12. After three weeks of anarchy Alvarez was made president by a junta, and held the office from October to December, when he retired and delegated his authority to Comonfort.

The new constitution of 1857 was adopted, which prohibited the president from holding the office for a longer period than one term of four years, but it permitted him to serve longer, provided the term of another incumbent intervened. In other words, he could not succeed himself. A sketch of the revolution under which Comonfort was deposed and the empire formed is found in another place under the title of "The Empire of Maximilian."

Juarez died July 18, 1872, while still holding the office of president. Lerdo was at the time president of the Supreme Court of Mexico, and under the constitution became president upon the death of Juarez. He was elected president in 1876, according to the Acts of Congress, but his opponents declared his election fraudulent and void, and Iglesias, president of the Supreme Court, assumed the presidency of the republic in Guanajuato. Porfirio Diaz, who had long been in revolt, advanced on the City of Mexico. Lerdo's army was defeated in the following November, and Lerdo himself fled to Acapulco and thence to the United States. This left Iglesias the constitutional president by virtue of his presidency of the Supreme Court.

Diaz soon put to flight the few troops which remained faithful to the cause of Iglesias, while the other troops remaining under arms went over to the side of Diaz. On February 11, 1877, he returned to the capital and took charge of the presidency. The Mexican Congress assembled the

following April, and on May 6, 1877, he took the oath of office. Soon after Mexico became agitated by a false and preposterous rumor that the United States contemplated reinstating Lerdo, as well as annexing Mexico. This rumor was circulated throughout the length and breadth of the Mexican Republic, and was generally credited by the masses of the people. The purpose here is not to charge that Diaz himself originated and propagated the rumor, but whether he did or not, he used it with great tact and skill as a means of acquiring new increments of power and of allaying and quieting the spirit of faction and opposition to him.

Diaz, being then ineligible to hold a second term without an interval of one term, permitted his friend Manuel Gonzalez to hold the presidential office during the next four years, beginning December 1, 1880. Diaz, however, had the constitution of Mexico amended so as to permit the president to hold office for an unlimited period, through the instrumentality of successive elections every four years. Under the provisions of this amendment Diaz has held the office of president of the Republic of Mexico ever since the expiration of the term of Gonzalez in 1884. He still holds the office, and in all probability will hold it for life. He has brought great peace and order out of all this chaos and revolution, and Mexico has attained to a condition of great prosperity under his administrations. An election takes place every four years, but the proceedings seem to be purely perfunctory.

The ability and will of a people to change presidents, after a reasonable time in office, no matter how able or valuable they may be, are essential elements of a free government.

The Republic of Colombia, composing New Granada, Venezuela, and Ecuador, was proclaimed by Simon Bolivar in 1819. The Colombian Congress assembled in January, 1821, and promulgated a federal constitution August 30 of the same year. The republic was rent by intestine factions and revolutions, and in the year 1830 Venezuela seceded and set up a republican government of its own. In 1831 Ecuador seceded and formed an independent republic. The three

republics thereupon were known as the republics of Venezuela, Ecuador, and New Granada.

In recent years the Republic of New Granada has resumed the name of the Republic of Colombia, by which it was known prior to the secession of Venezuela and Ecuador. It formed a new constitution in 1832, with Santander as president. One of Santander's measures, whereby New Granada assumed the payment of one-half the debt of the defunct republic, rendered him unpopular, and he was succeeded by his political enemy Marquez as president. This resulted in a civil war, which lasted until 1841, and left the country in a weak and miserable condition. The civil strife terminated in favor of Marquez. In 1840 the province of Cartagena had seceded, and shortly thereafter the provinces of Panama and Veragua declared themselves independent under the title of the State of the Isthmus of Panama. A reconciliation was soon effected, and the new constitution of 1843 was framed. In 1853 another constitution was adopted, which expressly conferred on every province the right to declare itself independent and to enter into merely federal relations with the central republic. In 1856 and 1857 the provinces of Antioquia and Panama took advantage of the permission. An insurrection broke out in 1859 which was fostered by ex-president Mosquera, and later a regular civil war ensued, in which Bogota was captured and Mosquera assumed the chief power. A congress convened at Bogota thereupon established the government under the name of United States of Colombia, and adopted a new constitution and made Mosquera dictator. Manuel Murillo Toro was president from 1864 to 1866. His term was disturbed by various rebellions, and when Mosquera succeeded him he found matters in such a disorganized condition that he offered to retire. Mosquera was impeached after the tender of his resignation had been refused by Congress, and condemned to two years' imprisonment, but this sentence was afterwards commuted to two years' exile. Santos Guitterez was president from 1868 to 1870. His administration was disturbed by revolutions in

different parts of the republic, the most important of which was that in Panama, where absolute disorganization prevailed. During several years, beginning with the year 1872, peace prevailed in the Republic of Colombia, and the people began to turn their attention to the development of its matchless resources. A revolution occurred in 1901, which near the end of the year 1902 was carried on with great vigor, but resulted in the ultimate triumph of the government.

The relations of Panama to Colombia merit a brief synopsis. Panama and Veragua seceded from New Granada in 1841 and afterwards became pacified. Panama and Antioquia seceded under the provision of the constitution of 1853, which permitted them to declare themselves independent and maintain only federal relations. In 1868 to 1870 Panama organized an independent government which succumbed to superior force. Once more driven to desperation the people of Panama attempted secession in 1885, resulting in the burning of Colon and the protection of Panama by American and British warvessels. In November, 1903, Panama again seceded and set up a republic of its own, and maintains it under the protection of the United States.

In his message of December 7, 1903, President Roosevelt enumerated fifty-three revolutions and insurrections which had taken place in Panama during the last fifty-seven years; and he stated further that the list is but a partial one.

Venezuela adopted a constitution in the year 1831. For the first fifteen years peace and quiet reigned in that country. In 1864 there began a series of civil wars and revolutions which continued, with but short periods of rest, down to the close of 1870. The chief rival parties in these internal dissensions were the Unionists and the Federalists; the former aimed at securing a strong central government, while the latter, who were ultimately victorious, desired to obtain a measure of independence for the separate States. Don Guzman Blanco, a Federalist, was declared provisional president, and continued as dictator until 1873, after which he was

elected constitutional president for four years. Under his administration the republic prospered.

Ignacio Andrade, the candidate of the liberal party, was elected president of Venezuela, and was regularly inaugurated March 4, 1898, for a term of four years, as the successor to Crespo. He was a timid man and possessed no military qualifications whatsoever. He had just fairly entered upon the administration of the government when Cipriano Castro, who had failed to secure an appointment to an office, entered into a conspiracy against the government in August, 1899, at his home in the Andes Mountains in western Venezuela. He started out with but sixty of his barefoot neighbors, and called Andinos "to liberate Venezuela," to use his own phrase. As he went, the new accessions to his ranks swelled to the number of ten thousand. When he appeared before Caracas, Andrade fled to Jamaica with enough of the government funds to support him in a prolonged exile, while the army of the government went over in a body to Castro and hailed him as the liberator of Venezuela. The only thing Venezuela was getting liberated from was the result of the presidential election which had taken place about a year previous, and which entitled Andrade to hold the office for four years. Castro entered Caracas at the head of his army thus augmented by the national troops on October 20, 1899, and was proclaimed president of Venezuela by the people. At a subsequent period the national Congress declared him president. Matos, a member of Andrade's cabinet, and others organized a bloody revolution against Castro. The decisive battle of La Victoria near Caracas in the autumn of 1902 resulted in favor of Castro. His complications afterward with the European allies are familiar history.

In Venezuela and in many of the other republics, when a man is prominent enough to wear shoes every day, and finds himself among the "outs" in politics, he at once becomes a "liberator," waxes enthusiastic on the subject of liberty, organizes a riot, buys shoes for the leaders, and makes generals of them. They proceed on their all-conquering way until

they approach within a day's march of the national capital. This is defended by the national forces, which go over to the liberator, and they all enter the capital together amid bonfires and the acclamations of the multitude, who have been so providentially set free.

Peru, which was nearly ruined by its disastrous war with Chile, has had its full share of revolutions, which will not be dwelt upon. Aguero was elected first president of Peru February 26, 1823, but was deposed before the end of his term, although he was an able and capable official. General Lamar, the second president, was elected in 1827 for a term of four years, but he was deposed before two years of his term had expired. Salavery seized the supreme power in 1836. Peru was in a revolutionary condition until 1844. From 1844 to 1875 it had two revolutions. In 1879 the disastrous war with Chile began.

Bolivia elected General Sucre, the first president, for life in 1826. He accepted the office for two years. Santa Cruz was elected president in 1828, but a year later the government was overturned for a time by a revolution led by General Blanco. In 1839 Bolivia came under the dominion of Peru, but a successful revolution was soon started, which resulted in installing General Ballivian as ruler. In 1848 Belzu headed a successful military revolution, and became president. General Cordova succeeded him, when a new revolution occurred in 1859, which compelled him to flee the country. Linares, the originator of the revolution, took his place as president, but was deposed in 1861, and Dr. Acha became president by election. A new military revolution led by Melgarejo broke out in February, 1865. He defeated Dr. Acha, and assumed the government of the country. He overcame two revolutions against his own sway, declared a political amnesty, became dictator in 1871, and loaded Bolivia with an enormous foreign debt. President Alonzo, early in 1899, went at the head of a body of troops to the frontiers to suppress a revolution. His enemies at the capital proclaimed a board of government and barricaded the streets. This revolution was

successful, and Alonzo and his ministry fled to Chile.[1] According to newspaper reports, General Pando, the leader of the revolutionists, took charge as president. The closing days of the year 1902 found Bolivia engaged in a new revolution against General Pando as president, who acquired his title and position through a preceding revolution.

From the date of the secession of Ecuador, in 1831, until the year 1852, the history of the Republic of Ecuador was little else than a series of pronunciamentos and attempted revolutions. Diego Noboa was elected president in 1850, but soon after was deposed and exiled. Urbina thereupon became practically dictator and was succeeded in 1856 by General Francisco Robles. Robles abdicated and left the country in 1859. Dr. Gabriel Garcia was elected president by the national convention of 1861. He favored a French protectorate and fell into disrepute, tendered his resignation in 1864, and owing to his despotic acts in attempting to establish a dictatorship, retired from office in September, 1865. In 1869 a revolution broke out in Quito under Moreno which brought the administration of the office of the president by Espinoza to a close, and though the national convention appointed Carvajal to the vacant office, yet Moreno succeeded in securing his own election in 1870 for a term of six years. He was assassinated on August 14, 1875. Dr. Borneo succeeded to the presidency, and an insurrection followed in the next December in which the government forces were completely routed at Golte. This will suffice for Ecuador without pursuing the matter down to date.

The government of Chile is professedly republican, and its offices elective, but practically it has been little more than a dictatorship, in which the forms of the constitution have been tolerably well preserved. It has, however, been the least revolutionary of all the Spanish republics. In Chile there has been an evolution from its original feudal and oligarchical condition toward a more popular government in which the right of suffrage has been made almost universal.

[1] "New York Independent," January 5, 1899, and April 20, 1899.

Balmaceda, the leader of this movement, became president in 1885, and near the end of his official term began to plot, like all other one-term constitutional presidents, to so shape affairs that his favorite Señor Sanfuentes should succeed him. This resulted in a conflict between the executive and legislative branches of the government. After some months of agitation Congress declared war on the executive branch of the government, and after a bloody strife defeated the president, who, rather than be taken prisoner, committed suicide December 19, 1891, in his place of concealment in the Argentine legation, at the capital of Chile. Balmaceda had practically assumed dictatorial powers before the war began. The conclusion of the war left the legislative branch of the government almost omnipotent, with the president shorn of his former power, and but little more than a mere figurehead.

The Argentine Republic has had its revolutions and secessions. The loss of Uruguay and Paraguay, which had formed a part of one viceroyalty under Spain, were trivial circumstances compared with the secession of Buenos Ayres, which returned and resumed its federal relations a few years later. The Argentine Republic is not in fact a republic, but an oligarchy composed of men who, with very few exceptions, are corrupt, who make politics a species of commerce, and who in the absence of shame make no concealment of their venality. Politics is a regular business which is controlled by a ring of adventurers. From the year 1852 to 1880 the Argentines passed through a long period of revolutions, when a pacific condition was reached. In a time of profound peace during the financial crisis of 1890 gold went to a premium of 230 in the Argentine Republic, revealing not only the wretchedness of the financial system, but exposing the complicity of the government in the issue of spurious notes in the sum of $15,000,000 by the Bank of Cordoba. The immense national, provincial, and municipal debts of the country are the legacies of its rule of rapine and plunder. When its John Law system of finances exploded like the "Mississippi Bubble," the fraudulent character of its gov-

ernmental acts and agencies became conspicuous throughout all the ramifications of authority. General Roca became president in 1880, and used his power and patronage to make his brother-in-law Juarez Celman his successor, who is reputed to have amassed a fortune during his tenure of office. Paper money had been for years, up to 1885, at par with gold. In 1890 gold fluctuated between two hundred and three hundred. Real-property mortgages called cedulas, payable to the bearer, were issued on the real property of the capital, provinces, and territories which passed current as money. A national banking law was enacted which issued a large amount of paper currency. Then came a free banking law which permitted the issuance of $190,000,000, which was increased in a clandestine manner to $255,000,000 and legalized by the government. When the revolution of July, 1890, broke out, it was found that the national treasury had been robbed of $500,000,000. The national and provincial banks were left insolvent, having lent the money of their depositors on worthless security to politicians and their friends. The revolution resulted in the resignation of Celman and certain efforts at reform. These amounted to little, however, as a new revolution broke out consequent upon the election of Luis Sanez Pana as president. Beginning in the province of Corrientes, it spread until the entire country was convulsed by insurrectionary movements.

In theory the government of Uruguay resembles that of the United States, but in practice it has degenerated into a military despotism.

Paraguay has never been entitled to the name of a republic. It has been since 1814 a dictatorship, although in form it is a constitutional republic. "Marriage has fallen so completely out of fashion in Paraguay that only three per cent of the births are legitimate."[1]

Any further discussion of the success and failure of a republican form of government in these remote and distant countries must be laid aside for a brief synopsis of such mat-

[1] Encyclopedia Britannica, ninth edition, Vol. XVIII, page 244.

ters in other republics which are nearer home. The Republic of Central America was formed in 1823. It had formerly been a part of Mexico, and its representatives sat in the Congress of Iturbide. It was composed of Guatemala, Salvador, Honduras, Nicaragua, and Costa Rica, which had seceded from Mexico. In 1839 Nicaragua and Honduras seceded from Central America and set up separate republics of their own. During the following year Costa Rica seceded. In 1847 Guatemala succeeded in becoming independent of Salvador. Thus from one nest five little bantam republics were hatched, and all with spurs on. No attempt will be made to give any account of their insurrections, revolutions, and fights among themselves. They had a history before they separated. "During the brief existence of the federal union, no fewer than three hundred and ninety-six persons exercised the supreme power of the republic and the different States."[1] Since then each of the five several independent governments, and especially Nicaragua, has been "the scene of an almost uninterrupted series of military pronunciamentos, popular revolts, partial or general revolutions by which the lands have been wasted, its powers and industries destroyed, and the whole people reduced to a state of moral debasement, scarcely elsewhere paralleled in Christendom."[2]

The Republic of Hayti has a record for revolution and instability which transcends all other republics. The great majority of its rulers have not been permitted to hold office for their full official terms. Many, if not a majority of them, have met a violent death while in office. Sanloque, an ex-slave and full-blooded negro, was elected president in 1846. In 1849 he assumed the imperial title, and the following year he was crowned Faustin I, Emperor. Civil war has been the order of the day in the Republic of Hayti. Its bloody and revolutionary history is a shame and a reproach to republican institutions. Even so late as August, 1902, a formidable bloody revolution was inaugurated, but the insurgent forces

[1] Encyclopedia Britannica, ninth edition, Vol. XVII, page 479.
[2] Ibid.

were finally defeated. Since 1902 other revolutions have taken place in Hayti and San Domingo, seemingly with as much frequency as the moon's changes. During the revolution in San Domingo in the early part of the year 1904 it transpired that she had defaulted in the payment of the interest on her public debt, which was owed principally in Europe, and that a large element of her people were looking to the operation of the Monroe Doctrine as a means of escaping from the demands of her creditors.

The interests of our common humanity are not alone the grounds on which the Monroe Doctrine has fixed a great responsibility upon the United States. These revolutionary republics are piling up their public debts mountain high. These debts are owed almost exclusively in Europe. Europeans are doing business in nearly all the leading cities of these republics. Their property is often taken or destroyed, for which reparation by the respective governments of these European subjects is constantly demanded, as well as reparation for other wrongs. While the redress which these governments are seeking and will continue to seek may not be in conflict with the Monroe Doctrine, yet the retention for a long period of any portion of the territory of these republics would be a violation of it. Hence each case will stand upon its own footing, and the questions growing out of such efforts by European governments will at times become questions of great nicety and perplexity.

The immense national debts and the instability of these governments have reduced the national credit. Argentine has a *per capita* indebtedness of $128.85, Uruguay of $148.06, Honduras of $219.60. The *per capita* indebtedness of the United States is $14.52, of Mexico $13.36. The United States pays forty-four cents per annum interest *per capita*, while Mexico pays eighty-four cents *per capita*.

The relations of Church and State, the right of secession, and the race question as factors in producing these revolutionary conditions in the Spanish republics have been referred to elsewhere.

It is not the purpose to go into these questions here, but it may be said in passing that the character and condition of the people are also powerful factors. In the United States of America the initiative in nearly all public matters is with the people; in the Spanish-American republics it is with the politicians. As an exception to this rule it should be stated that in selecting candidates for president and vice-president the initiative is with the politicians in the United States. These candidates are usually chosen from among the politicians, by the politicians, and for the politicians. They have dealt fairly well with the people, however, and the candidates have generally been able, honest, and patriotic. Occasionally such candidates have entered the arena with the odor upon them of the crooked and underground passages through which they have travelled, and sometimes they have been tattooed from head to foot with the multiform and variegated emblems of their venality.

The provision in many of the constitutions of the Spanish-American republics, which prohibits the incumbent in the office of president from holding his office for more than one successive term, has worked disastrously, resulting in the incumbent using the vast machinery of his power to put some friend in office as his successor. Some of the revolutions or outbreaks are merely colorable and pretended ones, in order to enable the general governments to interfere in the provinces ostensibly to suppress insurrections, but really to thwart the will of the people at the polls.

An interference on the part of the general governments with the rights of the States is a fruitful source of discontent and revolution. These Spanish-Americans have copied our federal constitution, but they have never been able to master our dual form of government. Its *imperium in imperio* form and spirit is a snare and a stumbling-block to them. No account is here made of the numerous wars which have taken place between these republics. Most of these wars could readily and easily have been settled by arbitration. These republics are taking great interest in the subject of arbitra-

tion as a means of settling international disputes, and good results may well be expected in such matters. The serious problem relates to civil wars, insurrections, and revolutions, for the settlement of these questions by arbitration would be difficult, if not impossible. Such questions as the validity of an election to the office of president and vice-president, and indeed of the validity of the election of state or provincial governors and matters of that character, could be submitted to arbitration.

It has been charged, and no doubt truthfully, that some of the European governments have sided with the revolutionists. President Castro of Venezuela is reported to have asserted that Great Britain took sides with the revolutionists in 1902. In this he was evidently mistaken. There is nothing in the Monroe Doctrine which questions the right of any European government to take sides with either the government or the revolutionists in any civil war. The revolutionary character of these Spanish republics renders the position of the United States one of extreme delicacy in its assertion of the Monroe Doctrine, and it is possible that European governments might, when the occasion presents itself, lend their aid toward making them still more revolutionary.

The protégés of our foreign policy should be expected and required to confer the blessings of a good, well-administered, orderly, and stable government upon the masses of the people who are in their keeping. English, German, French, Italian, and other European merchants, manufacturers, and capitalists have large interests located in various parts of the Spanish republics. Their respective governments naturally seek to give them all the protection and defence which would be permissible under the provisions of international law. A quasi monarchy, such as we now see in Mexico, is far preferable to the all-pervading losses, debauchery, and ruthless slaughter which result from these frequent revolutions.

The poverty of the resources of these republics in respect to their ability to put down revolutions and insurrections became painfully conspicuous during the year 1902, when

Venezuela and Colombia were attempting to suppress their respective revolutions. A remedy for this is to be found in the extension of the federal system. When Simon Bolivar originated the plan to convene a congress at Panama, his real purpose was to consolidate the entire continent of South America into one federative republic, with himself at its head for the time being as dictator. It may have been his purpose to have induced Mexico and Central America to become a part of this confederacy. The Panama Congress was looked forward to as one of the greatest events of all the ages. Its insignificant character has already been mentioned. While Bolivar's dream of universal republican empire for South America may have been a little too magnificent, yet it was not unreasonable for him to hope and expect that at least New Granada, now Colombia, Venezuela, Ecuador, Peru, and Bolivia, upon having secured their independence of Spain, would have naturally crystallized into an enduring federal republic. They should do so now.

The five little insignificant, quarrelsome republics, which from 1823 to 1833 constituted the Republic of Central America, should resume their federal relations.

The Argentine Republic, Chile, Paraguay, and Uruguay should take a survey of the face of nature and listen to nature's admonitions and unite into a federal republic. These republics, thus reorganized, with separation of Church and State, would command the respect of the world, at home and abroad. This power, coupled with a due respect for the rights of the States, and the principle of local self-government, would overawe any ordinary attempt at insurrection or revolution. Added to these things an extension of the principle of arbitration as promulgated by the Second International Conference of American States would enable these exhausted republics to husband their resources, reduce their rate of interest, liquidate their debts, bring order out of chaos, help the people to accumulate and retain their property, and build up efficient common-school systems.

As matters now stand, things are going from bad to worse,

until the whole scheme of republican government in Spanish-America will end in disaster unless a radical change is brought about. The Spanish-American republics must federate, or they must perish.

The scheme of federation whereby many of the small republics might become States in larger ones is a good one, but it is beset with many difficulties. In 1899 Alfaro, president of Ecuador, asked permission of Congress to propose an international conference to the governments of Colombia and Venezuela to discuss the expediency of preparing a new constitution whereby the old Republic of Colombia, founded by Bolivar, should be restored. Nothing was done. On August 25, 1898, a convention met at Menagua and formulated a federal constitution, whereby Honduras, Nicaragua, and Salvador were to be united into a union to be known as the Greater Republic of Central America. Guatemala and Costa Rica, which had at one time with the other three constituted the Republic of Central America, stood aloof and declined to participate. A constitution was framed and a federative commission was appointed to work out and complete the details. The constitution provided that the first general election for president should take place on the ensuing December 1. The commission, in the exercise of its powers on November 1, appointed J. Rosa Pacose president, to serve until the regular election in December. The Salvadoreans, believing that the chief expense of maintaining the federal government would fall on them, revolted. President Zeloya of Nicaragua, who had assumed the title of governor of the State of Nicaragua, was called upon to suppress the revolt, but declined to permit the Nicaraguan troops to be used to uphold the union. The new government, however, sent an army into Salvador, which was defeated.

Accordingly, on November 30, the federal commissioners formally declared the union dissolved, and the three States respectively resumed absolute sovereignty. Thus ended the republic of thirty days' duration.

The constitutional provision which in late years has been

incorporated into the constitutions of many of the Spanish-American republics, limiting the president to only one term, has not proved to be salutary. It is a conspicuous failure, for it has resulted in inducing the outgoing incumbent to use his influence, patronage, and power to name his own successor. It often happens that this successor is expected in like manner to hand the office back to his benefactor at the end of his term. The president is thus put out of office, while his party and faction remain in power. The change of presidents is no change of political bosses or factions. A nominal change of masters does not purge the body politic of its corruption. The result is that a good and capable executive gives place at a critical juncture to a vicious and incapable one.

General Roca, who is a soldier and a statesman, vacated the presidential office at a critical period of Argentina's history, when a continuance of his distinguished services was sorely needed, to give place to his brother-in-law, Celman, who would not have been chosen for that office by the people, as an original proposition with them, and who was totally incapable of guiding the ship of state through a storm. Mexico, after a trial of about thirty years of this one-term provision, caused it to be stricken from her constitution, and as a result has enjoyed peace and prosperity. The efforts of President Balmaceda to secure the succession to Señor Sanfuentes as president of Chile brought on the bloody conflict of 1885 between the executive and legislative branches of the Republic of Chile. Revolution after revolution has been brought about in the Spanish republics by the operation of the one-term provision. A survey of this subject produces the conviction that it is better that the party and faction which put the president in power should go out of power with him. Experience demonstrates that it is better that the people should select their presidents rather than the outgoing incumbent. It has been seen, also, that there are crises in the history of every republic when a change of presidents is extremely hazardous.

The supreme need of these republics is to reach a basis in the administration of affairs whereby changes of policies and parties shall be made through the peaceful instrumentality of the ballot-box. The New York "Independent" of May 3, 1900, makes the following assertion: "We believe it is a fact that no party ever came into power in a Latin-American republic through an election at the polls. Bullets, not ballots, is the only method by which the rascals are turned out." An improvement in the condition of affairs must speedily take place among the Latin-American republics, or a public opinion will inevitably grow up in the United States which will result in the abrogation of the Monroe Doctrine in respect to them.

CHAPTER XXI

THE HAGUE TRIBUNAL

A PEACE movement was organized in the year 1815, and has grown until the present day, until there are now a number of peace organizations in different parts of the world. The peace congress movement started in 1843, but after 1852 it was discontinued until 1889, when the first of a new series of peace congresses was held in Paris. Several have been held since in different capitals and cities of Europe.

In October, 1887, Mr. Cremer, a member of the British Parliament, came to this country bringing a memorial signed by two hundred and thirty-four members of Parliament, asking the United States to co-operate with Great Britain on this subject.

The Sherman Concurrent Resolution passed Congress in the spring of 1890, requesting the President of the United States from time to time, as occasion might arise, to negotiate with foreign nations for the settlement of difficulties by arbitration.

Later on, in the same year, came the Pan-American Congress, and a form of arbitration treaty was sent out to all the civilized nations of the world.

President Harrison sent the following message to Congress:

EXECUTIVE MANSION, Sept. 3, 1890.

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

I transmit herewith a letter from the Secretary of State which is accompanied by three reports adopted by the conference of American nations recently in session at Washington, relating to the subject of international arbitration. The ratification of the treaties contemplated by these reports will constitute one of the happiest and most hopeful incidents in the history of the Western Hemisphere.

(Signed) BENJ. HARRISON.[1]

[1] "Messages of the Presidents," Vol. IX, page 83.

In his message to Congress of December 9, 1891, President Harrison said:

"The arbitration treaty formulated by the International American Conference lapsed by reason of the failure to exchange ratifications fully within the limit of time provided; but several of the Governments concerned have expressed a desire to save this important result of the conference by an extension of the period. It is, in my judgment, incumbent upon the United States to conserve the influential initiative it has taken in this measure by ratifying the instrument and by advocating the proposed extension of the time for exchange. These views have been made known to the other signatories." [1]

The British House of Commons in 1893 unanimously passed a resolution requesting the government to co-operate with the United States in this movement.

President Cleveland in his message of December 4, 1893, said:

"By a concurrent resolution passed by the Senate February 14, 1890, and by the House of Representatives on the 3d of April following, the President was requested to 'invite from time to time, as fit occasions may arise, negotiations with any government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two governments which cannot be adjusted by diplomatic agency may be referred to arbitration and be peacefully adjusted by such means.' April 18, 1890, the International American Conference of Washington by resolution expressed the wish that all controversies between the republics of America and the nations of Europe might be settled by arbitration, and recommended that the government of each nation represented in that conference should communicate this wish to all friendly powers. A favorable response has been received from Great Britain in the shape of a resolution adopted by Parliament July 16 last, cordially sympathizing with the purpose in view and expressing the hope that Her Majesty's Government will lend ready co-operation to the Government

[1] "Messages of the Presidents," Vol. IX, page 188.

of the United States upon the basis of the concurrent resolution above quoted.

"It affords me signal pleasure to lay this parliamentary resolution before the Congress and to express my sincere gratification that the sentiment of two great and kindred nations is thus authoritatively manifested in favor of the rational and peaceable settlement of international quarrels by honorable resort to arbitration."[1]

Cleveland, in his message of December 2, 1895, reported to Congress the fact that the French Chambers had passed a resolution favoring the conclusion of a permanent treaty of arbitration between the two countries.

President Cleveland sent to the Senate the following special message in regard to arbitration between the United States and Great Britain:

EXECUTIVE MANSION, January 11, 1897.

TO THE SENATE:

I transmit herewith a treaty of all matters in difference between the United States and Great Britain. The provisions of the treaty are the result of long and patient deliberation, and represent concessions made by each party for the sake of agreement upon the general scheme.

Though the result reached may not meet the views of the advocates of immediate, unlimited, and irrevocable arbitration of all international controversies, it is nevertheless confidently believed that the treaty cannot fail to be everywhere recognized as making a long step in the right direction and as embodying a practical working plan by which disputes between the two countries will reach a peaceful adjustment as matter of course and in ordinary routine.

In the initiation of such an important movement it must be expected that some of its features will assume a tentative character looking to a further advance, and yet it is apparent that the treaty which has been formulated not only makes war between the parties to it a remote possibility, but precludes those fears and rumors of war which of themselves too often assume the proportions of national disaster.

[1] "Messages of the Presidents," Vol. IX, page 442.

It is eminently fitting as well as fortunate that the attempts to accomplish results so beneficent should be initiated by kindred peoples, speaking the same tongue and joined together by all the ties of common traditions, common institutions, and common aspirations. The experiment of substituting civilized methods for brute force as the means of settling international questions of right, will thus be tried under the happiest auspices. Its success ought not to be doubtful, and the fact that its ultimate ensuing benefits are not likely to be limited to the two countries immediately concerned should cause it to be promoted all the more eagerly. The examples set and the lesson furnished by the successful operation of this treaty are sure to be felt and taken to heart sooner or later by other nations, and will thus mark the beginning of a new epoch in civilization.

Profoundly impressed as I am, therefore, by the promise of transcendent good which this treaty affords, I do not hesitate to accompany its transmission with an expression of my earnest hope that it may commend itself to the favorable consideration of the Senate.

(Signed) GROVER CLEVELAND.[1]

On June 5, 1895, the Lake Mohonk Conference on International Arbitration held its first session in the parlor of the Lake Mohonk Mountain House, at Lake Mohonk, New York, by invitation of Mr. and Mrs. Albert K. Smiley. John B. Garrett of Philadelphia was chairman. Among the speakers favoring international arbitration were Benjamin F. Trueblood, George Dana Boardman, Austin Abbott, Phillip C. Garrett, Edward Everett Hale, Robert Earl, Joshua L. Bailey, William H. Armour, Robert Treat Paine, George H. Emmott, James Wood, George S. Hale, Charles R. Skinner, Rufus M. Jones, B. Fay Mills, Merrill E. Gates, Marshall H. Bright, Gen. O. O. Howard, Aaron M. Powell, and Albert G. Lawson.

The following resolution offered by Edward Everett Hale was adopted:

"*Resolved*, That the President be requested to invite the governments of Austria, England, France, Germany, and

[1] "Messages of the Presidents," Vol. IX, pages 746, 747.

Russia to join with the United States in the establishment of a Permanent Tribunal of the highest character, to which may be submitted from time to time, for arbitration, questions arising between those powers."[1]

The New York State Bar Association in the year 1896 convened, discussed, and presented a plan for an international tribunal of arbitration. This plan was made purely from the lawyer's standpoint, and it very fairly embodies in its six sections the general consensus of opinion among practitioners in regard to what such a nondescript court ought to be, but it fails to suggest or point out any necessary changes in international law, whereby neutral nations can with propriety act as mediators. The plans proposed at The Hague Convention by both the American and British commissioners were somewhat of the same character as those of the New York State Bar Association, and were amenable to the same criticism in respect to mediation.

In the year 1898, however, Nicholas II, Czar of Russia, took up the subject and issued his invitation to the world's rulers to meet at The Hague in order "to put an end to incessant armaments, and to seek the means of warding off the calamities which are threatening the whole world." Russian statesmen complacently said that it would do as a plaything to keep the young czar's hands off practical affairs, while his own countrymen generally looked upon the scheme as visionary. The English press declared that the idea did honor to the heart but not to the head of the generous youth, and that the conference could achieve nothing substantial. The Hague Conference, on the contrary, turned out to be a marvellous success. Lord Tennyson's dream in "Locksley Hall" of "the parliament of man, the federation of the world," seems to have been realized in the international legislation at The Hague, and in the organization of The Hague tribunal. The millennium, however, did not follow the work of this parliament and the organization of this tribunal. It was immediately followed by the war between Great Britain and the South African republic; later by

[1] Report of Lake Mohonk Conference, 1895, page 52.

the war upon Venezuela by Great Britain, Germany, and Italy; and in February, 1904, by the war between Russia and Japan. These three wars were begun in violation of the express terms of articles one and two of The Hague treaty. The war between Venezuela and the three European allies was brought to a sudden and honorable termination through the mediation of the United States. This mediation was authorized under the provisions of articles three and four of the treaty. President Kruger labored earnestly to have all matters in dispute between Great Britain and the Boers referred to arbitration, but these overtures were declined by Great Britain.[1]

The war between Russia and Japan was begun without either party making any overtures for arbitration. There were no circumstances which prevented a recourse to mediation before these wars were begun; and the four leading powers which took a leading part in securing The Hague treaty were the first to ignore and violate it.

The following is the full text of The Hague treaty:

TITLE I.

ON THE MAINTENANCE OF THE GENERAL PEACE.

ARTICLE I. — With a view to obviating, as far as possible, recourse to force in the relations between States, the Signatory Powers agree to use their best efforts to insure the pacific settlement of international differences.[2]

TITLE II.

ON GOOD OFFICES AND MEDIATION.

ARTICLE II. — In case of serious disagreement or conflict, before an appeal to arms, the Signatory Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers.

ARTICLE III. — Independently of this recourse, the Signatory Powers recommend that one or more Powers, strangers

[1] "The Boer Fight for Freedom," by Michael Davitt, page 46.

[2] Fifty-Sixth Congress, First Session, Senate Document 159.

to the dispute, should, on their own initiative, and as far as circumstances may allow, offer their good offices or mediation to the States at variance.

Powers, strangers to the dispute, have the right to offer good offices or mediation, even during the course of hostilities.

The exercise of this right can never be regarded by one or the other of the parties in conflict as an unfriendly act.

ARTICLE IV. — The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance.

ARTICLE V. — The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute, or by the mediator himself, that the means of reconciliation proposed by him are not accepted.

ARTICLE VI. — Good offices and mediation either at the request of the parties at variance, or on the initiative of Powers strangers to the dispute, have exclusively the character of advice and never having binding force.

ARTICLE VII. — The acceptance of mediation cannot, unless there be an agreement to the contrary, have the effect of interrupting, delaying or hindering mobilization or other measures of preparation for war.

If mediation occurs after the commencement of hostilities it causes no interruption to the military operations in progress, unless there be an agreement to the contrary.

ARTICLE VIII. — The Signatory Powers are agreed in recommending the application, when circumstances allow, of special mediation in the following form:

In case of a serious difference endangering the peace, the States at variance choose respectively a Power, to whom they intrust the mission of entering into direct communication with the Power chosen on the other side, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, cannot exceed thirty days, the States in conflict cease from all direct communication on the subject of

the dispute, which is regarded as referred exclusively to the mediating Powers, who must use their best efforts to settle it.

In case of a definite rupture of pacific relations, these Powers are charged with the joint task of taking advantage of any opportunity to restore peace.

TITLE III.

ON INTERNATIONAL COMMISSIONS OF INQUIRY.

ARTICLE IX. — In differences of an international nature involving neither honour nor vital interests, and arising from a difference of opinion on points of fact, the Signatory Powers recommend that the parties, who have not been able to come to an agreement by means of diplomacy, should as far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of these differences by elucidating the facts by means of an impartial and conscientious investigation.

ARTICLE X. — The International Commissions of Inquiry are constituted by special agreement between the parties in conflict.

The Convention for an inquiry defines the facts to be examined and the extent of the Commissioners' powers.

It settles the procedure.

On the inquiry both sides must be heard.

The form and the periods to be observed, if not stated in the inquiry Convention, are decided by the Commission itself.

ARTICLE XI. — The International Commissions of Inquiry are formed, unless otherwise stipulated, in the manner fixed by Article XXXII of the present convention.

ARTICLE XII. — The powers in dispute engage to supply the International Commission of Inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to be completely acquainted with and to accurately understand the facts in question.

ARTICLE XIII. — The International Commission of Inquiry communicates its report to the conflicting Powers, signed by all the members of the Commission.

ARTICLE XIV. — The report of the International Commission of Inquiry is limited to a statement of facts, and has in no way the character of an Arbitral Award. It leaves the conflicting Powers entire freedom as to the effect to be given to this statement.

TITLE IV.

ON INTERNATIONAL ARBITRATION

CHAPTER I. — ON THE SYSTEM OF ARBITRATION.

ARTICLE XV. — International arbitration has for its object the settlement of differences between States by judges of their own choice, and on the basis of respect for law.

ARTICLE XVI. — In questions of a legal nature, and especially in the interpretation or application of International Conventions, arbitration is recognized by the Signatory Powers as the most effective, and at the same time the most equitable, means of settling disputes which diplomacy has failed to settle.

ARTICLE XVII. — The arbitration convention is concluded for questions already existing or for questions which may arise eventually.

It may embrace any dispute or only disputes of a certain category.

ARTICLE XVIII. — The Arbitration Convention implies the engagement to submit loyally to the Award.

ARTICLE XIX. — Independently of general or private Treaties expressly stipulating recourse to arbitration as obligatory on the Signatory Powers, these Powers reserve to themselves the right of concluding, either before the ratification of the present Act or later, new Agreements, general or private, with a view to extending obligatory arbitration to all cases which they may consider it possible to submit to it.

CHAPTER II. — ON THE PERMANENT COURT OF ARBITRATION.

ARTICLE XX. — With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the Signatory Powers undertake to organize a permanent Court of Arbitration, accessible at all times and operating, unless otherwise stipulated by the parties, in accordance with the Rules of Procedure inserted in the present Convention.

ARTICLE XXI. — The permanent Court shall be competent for all arbitration cases, unless the parties agree to institute a special Tribunal.

ARTICLE XXII. — An International Bureau, established at The Hague, serves as record office for the Court.

This Bureau is the channel for communication relative to the meetings of the Court.

It has the custody of the archives and conducts all the administrative business.

The Signatory Powers undertake to communicate to the International Bureau at The Hague a duly certified copy of any conditions of arbitration arrived at between them, and of any award concerning them delivered by special Tribunals.

They undertake also to communicate to the Bureau the Laws, Regulations, and documents eventually showing the execution of the awards given by the Court.

ARTICLE XXIII. — Within the three months following its ratification of the present Act, each Signatory Power shall select four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of Arbitrators.

The persons thus selected shall be inscribed, as members of the Court, in a list which shall be notified by the Bureau to all the Signatory Powers.

Any alteration in the list of Arbitrators is brought by the Bureau to the knowledge of the Signatory Powers.

Two or more Powers may agree on the selection in common of one or more Members.

The same person can be selected by different Powers.

The Members of the Court are appointed for a term of six years. Their appointments can be renewed.

In case of the death or retirement of a member of the Court, his place shall be filled in accordance with the method of his appointment.

ARTICLE XXIV. — When the Signatory Powers desire to have recourse to the Permanent Court for the settlement of a difference that has arisen between them, the Arbitrators called upon to form the competent Tribunal to decide this difference, must be chosen from the general list of members of the Court.

Failing the direct agreement of the parties on the composition of the Arbitration Tribunal, the following course shall be pursued:

Each party appoints two Arbitrators, and these together choose an Umpire.

If the votes are equal, the choice of the Umpire is intrusted to a third Power, selected by the parties by common accord.

If an agreement is not arrived at on this subject, each party selects a different Power, and the choice of the Umpire is made in concert by the Powers thus selected.

The Tribunal being thus composed, the parties notify to the Bureau their determination to have recourse to the Court and the names of the Arbitrators.

The Tribunal of Arbitration assembles on the date fixed by the parties.

The Members of the Court, in the discharge of their duties and out of their own country, enjoy diplomatic privileges and immunities.

ARTICLE XXV. — The Tribunal of Arbitration has its ordinary seat at The Hague.

Except in cases of necessity, the place of session can only be altered by the Tribunal with the assent of the parties.

ARTICLE XXVI. — The International Bureau at The Hague is authorized to place its premises and its staff at the disposal of the Signatory Powers for the operations of any special Board of Arbitration.

The jurisdiction of the Permanent Court, may, within the conditions laid down in the Regulations, be extended to disputes between non-Signatory Powers, or between Signatory Powers and non-Signatory Powers, if the parties are agreed on recourse to this tribunal.

ARTICLE XXVII. — The Signatory Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.

Consequently, they declare that the fact of reminding the conflicting parties of the provisions of the present Convention, and the advice given to them, in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as friendly actions.

ARTICLE XXVIII. — A Permanent Administrative Council, composed of the Diplomatic Representatives of the Signatory Powers accredited to The Hague and of the Netherland Minister for Foreign Affairs, who will act as President, shall be instituted in this town as soon as possible after the ratification of the present Act by at least nine Powers.

This Council will be charged with the establishment and organization of the International Bureau, which will be under its direction and control.

It will notify to the Powers the Constitution of the Court and will provide for its installation.

It will settle its Rules of Procedure and all other necessary Regulations.

It will decide all questions of administration which may arise with regard to the operations of the Court.

It will have entire control over the appointment, suspension or dismissal of the officials and employés of the Bureau.

It will fix the payments and salaries, and control the general expenditure.

At meetings duly summoned the presence of five members is sufficient to render valid the discussions of the Council. The decisions are taken by a majority of votes.

The Council communicates to the Signatory Powers without

delay the Regulations adopted by it. It furnishes them with an annual report on the labours of the Court, the working of the administration and the expenses.

ARTICLE XXIX. — The expenses of the Bureau shall be borne by the Signatory Powers in the proportion fixed for the International Bureau of the Universal Postal Union.

CHAPTER III. — ON ARBITRAL PROCEDURE.

ARTICLE XXX. — With a view to encourage the development of arbitration, the Signatory Powers have agreed on the following Rules which shall be applicable to arbitral procedure, unless other rules have been agreed on by the parties.

ARTICLE XXXI. — The Powers who have recourse to arbitration sign a special Act ("Compromis"), in which the subject of the difference is clearly defined, as well as the extent of the Arbitrators' powers. This Act implies the undertaking of the parties to submit loyally to the award.

ARTICLE XXXII. — The duties of Arbitrator may be conferred on one Arbitrator alone or on several Arbitrators selected by the parties as they please, or chosen by them from the members of the Permanent Court of Arbitration established by the present Act.

Failing the constitution of the Tribunal by direct agreement between the parties, the following course shall be pursued:

Each party appoints two arbitrators, and these latter together choose an Umpire.

In case of equal voting, the choice of the Umpire is intrusted to a third Power, selected by the parties by common accord.

If no agreement is arrived at on this subject, each party selects a different Power, and the choice of the Umpire is made in concert by the Powers thus selected.

ARTICLE XXXIII. — When a Sovereign or the Chief of a State is chosen as Arbitrator, the arbitral procedure is settled by him.

ARTICLE XXXIV. — The Umpire is by right President of the Tribunal.

When the Tribunal does not include an Umpire, it appoints its own President.

ARTICLE XXXV. — In case of the death, retirement, or disability from any cause of one of the Arbitrators, his place shall be filled in accordance with the method of his appointment.

ARTICLE XXXVI. — The Tribunal's place of session is selected by the parties. Failing this selection the Tribunal sits at The Hague.

The place thus fixed cannot, except in case of necessity, be changed by the Tribunal without the assent of the parties.

ARTICLE XXXVII. — The parties have the right to appoint delegates or special agents to attend the Tribunal, for the purpose of serving as intermediaries between them and the Tribunal.

They are further authorized to retain, for the defence of their rights and interests before the Tribunal, counsel or advocates appointed by them for this purpose.

ARTICLE XXXVIII. — The Tribunal decides on the choice of languages to be used by itself, and to be authorized for use before it.

ARTICLE XXXIX. — As a general rule the arbitral procedure comprises two distinct phases, — preliminary examination and discussion.

Preliminary examination consists in the communication by the respective agents to the members of the Tribunal and to the opposite party of all printed or written Acts, and of all documents containing the arguments invoked in the case. This communication shall be made in the form and within the periods fixed by the Tribunal in accordance with Article XLIX.

Discussion consists in the oral development before the Tribunal of the arguments of the parties.

ARTICLE XL. —Every document produced by one party must be communicated to the other party.

ARTICLE XLI. — The discussions are under the direction of the President.

They are only public if it be so decided by the Tribunal, with the assent of the parties.

They are recorded in the *procès-verbaux* drawn up by the Secretaries appointed by the President. These *procès-verbaux* alone have an authentic character.

ARTICLE XLII. — When the preliminary examination is concluded, the Tribunal has the right to refuse discussion of all fresh Acts or documents which one party may desire to submit to it without the consent of the other party.

ARTICLE XLIII. — The Tribunal is free to take into consideration fresh Acts or documents to which its attention may be drawn by the agents or counsel of the parties.

In this case the tribunal has the right to require the production of these Acts or documents, but is obliged to make them known to the opposite party.

ARTICLE XLIV. — The Tribunal can, besides, require from the agents of the parties the production of all Acts, and can demand all necessary explanations. In case of refusal, the Tribunal takes note of it.

ARTICLE XLV. — The agents and counsel of the parties are authorized to present orally to the Tribunal all the arguments they may think expedient in defence of their case.

ARTICLE XLVI. — They have the right to raise objections and points. The decisions of the Tribunal on those points are final, and cannot form the subject of any subsequent discussion.

ARTICLE XLVII. — The members of the Tribunal have the right to put questions to the agents and counsel of the parties, and to demand explanations from them on doubtful points.

Neither the questions put nor the remarks made by members of the Tribunal during the discussions can be regarded as an expression of opinion by the Tribunal in general, or by its members in particular.

ARTICLE XLVIII. — The Tribunal is authorized to declare its competence in interpreting the "Compromis" as well as the other Treaties which may be invoked in the case, and in applying the principles of international law.

ARTICLE XLIX. — The Tribunal has the right to issue Rules of Procedure for the conduct of the case, to decide the forms and periods within which each party must conclude its arguments, and to arrange all the formalities required for dealing with the evidence.

ARTICLE L. — When the agents and counsel of the parties have submitted all explanations and evidence in support of their case, the President pronounces the discussion closed.

ARTICLE LI. — The deliberations of the Tribunal take place in private. Every decision is taken by a majority of members of the Tribunal.

The refusal of a member to vote must be recorded in the *procès verbal*.

ARTICLE LII. — The award, given by a majority of votes, is accompanied by a statement of reasons. It is drawn up in writing and signed by each member of the Tribunal.

Those members who are in the minority may record their dissent when signing.

ARTICLE LIII. — The award is read out at a public meeting of the Tribunal, the agents and counsel of the parties being present, or duly summoned to attend.

ARTICLE LIV. — The award, duly pronounced and notified to the agents of the parties at variance, puts an end to the dispute definitely and without appeal.

ARTICLE LV. — The parties can reserve in the "Compromis" the right to demand the revision of the award.

In this case, and unless there be an agreement to the contrary, the demand must be addressed to the Tribunal which pronounced the award. It can only be made on the ground of the discovery of some new fact calculated to exercise a decisive influence on the award, and which, at the time the discussion was closed, was unknown to the Tribunal and to the party demanding the revision.

Proceedings for revision can only be instituted by a decision of the Tribunal expressly recording the existence of the new fact, recognizing in it the character described in the foregoing paragraph, and declaring the demand admissible on this ground.

The "Compromis" fixes the period within which the demand for revision must be made.

ARTICLE LVI. — The award is only binding on the parties who concluded the "Compromis."

When there is a question of interpreting a Convention to which Powers other than those concerned in the dispute are parties, the latter notify to the former the "Compromis" they have concluded. Each of these Powers has the right to intervene in the case. If one or more of them avail themselves of this right, the interpretation contained in the award is equally binding on them.

ARTICLE LVII. — Each party pays its own expenses and an equal share of those of the Tribunal.

GENERAL PROVISIONS

ARTICLE LVIII. — The present Convention shall be ratified as speedily as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up recording the receipt of each ratification, and a copy duly certified shall be sent, through the diplomatic channel, to all the Powers who were represented at the International Peace Conference at The Hague.

ARTICLE LIX. — The non-Signatory Powers who were represented at the International Peace Conference can adhere to the present Convention. For this purpose they must make known their adhesion to the Contracting Powers by a written notification addressed to the Netherlands Government, and communicated by it to all the other Contracting Powers.

ARTICLE LX. — The conditions on which the Powers who were not represented at the International Peace Conference can adhere to the present Convention shall form the subject of a subsequent Agreement among the Contracting Powers.

ARTICLE LXI. — In the event of one of the High Contracting Parties denouncing the present Convention, this denunciation would not take effect until a year after its notification

made in writing to the Netherlands Government, and by it communicated at once to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In faith of which the Plenipotentiaries have signed the present Convention and affixed their seals to it.

Done at The Hague, the 29th July, 1899, in a single copy, which shall remain in the archives of the Netherlands Government, and copies of it, duly certified, be sent through the diplomatic channel to the Contracting Powers.

And whereas the said Convention was signed by the Plenipotentiaries of the United States of America under reservation of the following declaration:

"Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions;"

And whereas the said Convention was duly ratified by the Government of the United States of America, by and with the advice and consent of the Senate thereof, and by the Governments of the other Powers aforesaid with the exception of China and Turkey;

And whereas, in pursuance of the stipulations of Article LVIII of the Convention the ratifications of the said Convention were deposited at The Hague on the 4th day of September, 1900, by the Plenipotentiaries of the Governments of the United States of America, Germany, Austria-Hungary, Belgium, Denmark, Spain, France, Great Britain, Italy, the Netherlands, Persia, Portugal, Roumania, Russia, Siam, Sweden and Norway, and Bulgaria; on the 6th day of October, 1900, by the Plenipotentiary of the Government of Japan; on the 16th day of October, 1900, by the Plenipo-

tentiary of the Government of Montenegro; on the 29th day of December, 1900, by the Plenipotentiary of the Government of Switzerland; on the 4th day of April, 1901, by the Plenipotentiary of the Government of Greece; on the 17th day of April, 1901, by the Plenipotentiary of the Government of Mexico; on the 11th day of May, 1901, by the Plenipotentiary of the Government of Servia; and on the 12th day of July, 1901, by the Plenipotentiary of the Government of Luxembourg.

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof, subject to the reserve made in the aforesaid declaration of the Plenipotentiaries of the United States.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this first day of November in the year of our Lord one thousand nine hundred and one, and of the Independence of the United States, the one hundred and twenty-sixth.

THEODORE ROOSEVELT.

By the President
JOHN HAY,
Secretary of State.[1]

The Hague Convention set aside the principles of international law on the subject of intervention. Until this treaty changed the rule it became a matter of delicacy and difficulty for a third power to take any steps looking to a peaceful settlement of difficulties between two belligerents. The parties to this treaty, which now practically embraces all the governments of the world, "agree to use their best efforts to insure the pacific settlement of international differences." They agree to have "recourse as far as circumstances will allow, to the good offices or mediation of one or more friendly

[1] From papers in the State Department.

Powers." They agree that one or more Powers strangers to the dispute should, on their own initiative and as far as circumstances may allow, offer their good offices for mediation to the States at variance. Powers strangers to the dispute have the right to offer good offices or mediation even during the course of hostilities. The exercise of this right can never be regarded by one or the other of the parties in conflict as an unfriendly act.

The government of the United States in the latter part of the year 1902, and in the early part of 1903, became engaged in correspondence with Great Britain, Germany, and Italy on behalf of Venezuela under the provisions of these mediation rights conferred by The Hague treaty. A popular misapprehension exists in regard to the character of this interference by the United States in this controversy. The erroneous supposition is that the correspondence is based on our assertion of the Monroe Doctrine. The correspondence could not properly reach this stage until the German government should declare its purpose to permanently occupy Venezuelan territory, or until it should enter upon such occupation which it evidently intended to be permanent. This would give this government ample time to deliberate upon the policy and propriety of enforcing the Monroe Doctrine at all or not, as well as to prepare and put itself in readiness to effectually enforce it. A period of deliberation and preparation by this government will enable it to take an opportune time to employ offensive measures to enforce our foreign policy.

The statutes of limitation do not bar the rights of the government. Negligence or laches is not imputable to it. "Nullum tempus occurrit regi" is the time-worn maxim pertaining to the rights of the government. Hence a delay by the government in the enforcement of the Monroe Doctrine will not operate to its prejudice. It can postpone action, not only for the sake of preparation, but for the purpose of striking the offending Power at an opportune time and in the moment of its greatest weakness.

The completion of the Panama Canal would likely take pre-

cedence of any stupendous undertaking by this government to redress any invasions of its foreign policy. The first and predominant purpose of the government should be to construct the canal across the Isthmus, and in the meantime postpone all other matters of foreign policy which are not especially demanding immediate attention.

The United States was represented at The Hague Conference by Andrew D. White, Seth Low, Stanford Newell, and Captains Alfred T. Mahan and William Crozier. Our representatives brought to the attention of that body the traditional policies against entangling alliances by this government in European affairs, and in support of our foreign policy, known as the Monroe Doctrine. When they signed the treaty they added the following words in explanation of the conditions under which they signed that instrument for the United States: "Under reserve of the declaration made at the plenary sitting of the Conference on the 25th of July, 1899." These reservations were stated at length over the signatures of President Roosevelt and Secretary John Hay, as set out in the preceding text of the treaty. The United States, therefore, among other things, both on the floor of The Hague Convention, and in the ratification of the treaty itself, expressly announced its adherence to the Monroe Doctrine, and all the Signatory Powers joined in the treaty with the express knowledge and understanding that the United States, by becoming a party to that treaty, did not waive any of its rights to adhere to its traditional foreign policy.

The other Signatory Powers, however, while incidentally recognizing the Monroe Doctrine, are not in the attitude of having ratified it nor of having adopted it as a principle of international law. It does have the effect of notice to them of this traditional policy, the continued existence of which had been more or less questioned by European governments.

The question arises, what shall be the *lex non scripta* of The Hague Tribunal? Great Britain and the United States have considered that the law of nations is adopted in its full extent by the common law, as a part of the law of the land. Now

that practically all the nations of the earth are supporters of The Hague Tribunal, what shall be its unwritten law, since few, if any, of the other nations have adopted the common law ?

Blackstone says:

"The law of nations is a system of rules, deducible by natural reason, and established by universal consent among the civilized inhabitants of the world; in order to decide all disputes, to regulate all ceremonies and civilities, and to insure the observance of justice and good faith, in that intercourse which must frequently occur between two or more independent states, and the individuals belonging to each. This general law is founded upon this principle, that different nations ought in time of peace to do one another all the good they can, and in time of war as little harm as possible, without prejudice to their own real interests. And, as none of these states will allow a superiority in the others, therefore neither can dictate nor prescribe the rules of this law to the rest; but such rules must necessarily result from those principles of natural justice in which all the learned of every nation agree; or they depend upon mutual compacts or treaties between the respective communities; in the construction of which there is also no judge to resort to, but the law of nature and reason, being the only one in which all the contracting parties are equally conversant and to which they are equally subject."[1]

The terms "international law" and "the law of nations" are synonymous, but the former is more modern.

Lord Coleridge said:

"Strictly speaking, 'international law' is an inexact expression, and it is apt to mislead if its inexactness is not kept in mind. Law implies a lawgiver and a tribunal capable of enforcing it and coercing its transgressors. But there is no common lawgiver to sovereign states; and no tribunal has the power to bind them by decrees or coerce them if they transgress. The law of nations is that collection of usages which civilized states have agreed to observe in their dealings with one another. What these usages are, whether a

[1] Blackstone's Commentaries, Book IV, Chapter V, page 67.

particular one has or has not been agreed to, must be matter of evidence. Treaties and acts of state are but evidence of the agreement of nations, and do not, in this country at least, *per se* bind the tribunals. Neither, certainly does a consensus of jurists; but it is evidence of the agreement of nations on international points; and on such points, when they arise, the English courts give effect, as part of English law, to such agreement."[1]

A contrary view has been expressed, for Lord Russell, in his speech to the American Bar Association in 1896, said that the view expressed by Lord Coleridge is based on too narrow a definition of law, a definition which "relies too much on force as the governing idea. If the development of law is historically considered, it will be found to exclude that body of customary law which in early stages of society precedes law which assumes definitely the character of positive command coupled with punitive sanctions. . . . As government becomes more frankly democratic, . . . laws bear less and less the character of commands imposed by a coercive authority, and acquire more and more the character of customary law founded on consent. . . . I claim, then, that the aggregate of the rules to which nations have agreed to conform in their conduct towards one another is properly to be designated 'international law.'"[2]

The Hague Tribunal is based on the idea of justice, and not of force, as the governing idea. Weak nations are to have their rights administered by the same rules and upon the same principles as powerful nations. The existence of The Hague Tribunal necessarily implies that it will have a *lex non scripta* of its own. This law, which Blackstone says is based "on the law of nature and reason," is bound to receive judicial constructions from time to time on the great variety of matters which will come before it for judicial determination. If Blackstone is correct concerning this "law of nature and reason,"

[1] American and English Encyclopedia of Law, second edition, Vol. XVI, pages 1124, 1125, note 3.

[2] Ibid.

it is evident that the *lex non scripta* of The Hague Tribunal's administration of justice will be in general conformity to the principles of the common law and the golden rule of Confucius. This unwritten law must necessarily define some existing causes of war as unjustifiable.

The acquisition of territory for the mere purposes of conquest would doubtless be one, if indeed this is not already fairly implied by the institution of this tribunal. To this extent The Hague Tribunal would be a powerful auxiliary to the maintenance of the Monroe Doctrine. The *lex non scripta* of this tribunal must necessarily take quite a growth in matters pertaining to the execution of its judgments and decrees. Not one judgment out of a hundred which is rendered by the ordinary tribunals of the country, is collectible, and besides there is a very large per centum of claims which are never reduced to judgment, because of the impossibility of collection. The law of collectibility or non-collectibility of the judgments and decrees of this tribunal will evidently come up for adjudication in a manner in which some rules must be established. These rules, like the rules governing the execution of judgments at law and the enforcement of decrees in equity, must all be in conformity to a wise and humane public policy. Public policy forbids the judgment creditor to levy his execution on the fire engines of the city or the city hall, or any other property needful in the administration of the public affairs of the city and the public buildings of the county.

It forbids the garnisheeing of the wages and salaries of all municipal, county, State or federal officers, whether in the civil or military employ of the government. Public policy demands that the civil and military offices of the government, as well as its property used for governmental purposes, shall not be subject to execution or sequestration, because it might paralyze the arm of the government.

Every tribunal should possess the ability to enforce its own judgments, decrees, and mandates as other tribunals which decide upon the rights, liberties, and property of individuals. The Hague Tribunal should not hand over its judgment to the

creditor nation, to be enforced through military coercion. A public policy is involved which would not only deny this right, but which would also deny the judgment creditor nation the right to paralyze or destroy the functions of government of the debtor.

The doctrine of trusts comprises a very large part of the unwritten law applicable to the affairs of men. The trusts here referred to are not those gigantic combinations of capital and enterprise which go under that name. The trusts under consideration are fiduciary relations to persons and property, and constructive trusts which arise upon special facts which fasten a fiduciary relation upon a party in respect to certain property or persons. A doctrine of trusts of an ethnical character as varied and technical will grow up under the shadow of The Hague Tribunal, as has already grown up among the affairs of men. This doctrine will point out when and under what circumstances resort should be had to the arbitrament of the sword. Our ancestors who landed on this continent from the "Mayflower," and other colonists as well, justified their expulsion of the Indian from his lands upon the idea that these lands were given in trust to mankind to promote his highest usefulness and development, and that the Indian by failing to improve them had betrayed that trust. Providence seems to have smiled with approbation upon the seeming rapacity of our ancestors, judging from the changes which have been wrought in the condition of things on this continent. Since the aboriginal trustees have been discredited and removed, it becomes a question of serious moment, whether or not the administration of affairs in the Western Hemisphere should be turned over again in whole or part to the discredited and removed trustees, as is the case among the revolutionary Latin-American republics.

Providence is in like manner removing another class of incompetent trustees from the continent of Africa, which is more incompetent than the Indian for the purposes of civilization and civil government. The new régime may exclude these defaulting trustees from any important position in the adminis-

tration of the affairs of government, not only in the United States, but throughout the Western Hemisphere. A knowledge of conditions in the Latin-American republics where the white, the Indian, and African races are jointly administering affairs, leads up to the conclusion that the three races do not strive as one people to accomplish one common purpose. The three races do not co-ordinate in the administration of affairs. The republics become the victims of a disease which among individuals, physicians call locomotor ataxia. The unwritten law of The Hague Tribunal may some day be able to furnish the body politic with a specific remedy for political locomotor ataxia. When we read God in history, throughout the centuries since the declaration was made "I come not to bring peace, but a sword," we see many proofs of its truthfulness. The sword still maintains a prominent place in international law; let us hope, however, that The Hague Tribunal will reduce its operations to a minimum. It seems inevitable that the international *lex non scripta* must become in substance the same as the unwritten law of public corporations. The definition of a corporation as given by the text-writers is so nearly that of a State, or a nation, that the definition of the one might well pass for a definition of the other. Corporations, nations, and States are collections of individuals into bodies politic under a special denomination, having perpetual succession under an artificial form and vested by the policy of the law with a capacity of acting in several respects as an individual. Bouvier says that "nations or States are denominated by publicists bodies politic, and are said to have their affairs and interests, and to deliberate and resolve in common. They thus become as moral persons, having an understanding and will peculiar to themselves, and are susceptible of obligations and laws. In this extensive sense, the United States may be termed a corporation, and so may each State singly."[1] The common law of nations is therefore destined to be in substance, so far as applicable, the same as the common law of corporations. By far the most important part of The

[1] Bouvier's Law Dictionary, Vol. I, pages 318, 319.

Hague treaty is the mediation provision. The court may perish, but mediation will not perish. It will remain to save the nations from the calamities of war.

The Russian plan which was presented to The Hague Convention, through her commissioners Staal, Martens, and Basily, among other things embodied the mediation feature substantially as it was adopted. Martens is the great Russian publicist who presided at the Venezuelan boundary court of arbitration, which settled the boundary dispute between Great Britain and Venezuela. Russia carried off nearly all the honors of The Hague treaty. Mediation will settle more great controversies than the court. The court will at last be the instrumentality of the mediator when other peaceful means of settlement fail, or where some details of a mediation settlement are to be worked out. As time rolls on and as mediation crystallizes in the hearts of men, and around thrones, capitals, and sanctuaries, war will not be attempted until after mediation shall have failed. Any nation which is arrogant enough to undertake to fight not only the enemy, but also the mediator, as formerly, will have to fight the public opinion, and perhaps the armies, of the civilized world, and the revolutionary Latin-American republics, which are such a menace to our foreign policy, will gladly take shelter under mediation.

Incidentally, The Hague treaty becomes a tower of strength to the United States in maintaining the Monroe Doctrine. Mediation by the terms of this treaty is not limited to any class of controversies, while arbitration is limited to differences "involving neither honor nor vital interests."

The mediator and the tribunal will leave but few cases to fall within the purview of these exceptions. Civilized nations will have but few controversies involving too much honor, or interests too vital, to submit to the tribunal for adjudication after a settlement has failed through the instrumentality of mediation.

CHAPTER XXII

SECOND INTERNATIONAL CONFERENCE OF AMERICAN STATES

On October 22, 1901, an international conference of the American States met in the City of Mexico, where it remained in session until January 31, 1902. This was the second meeting of this character.

On January 15, fifteen States, including the United States, signed the following protocol of adherence to the conventions of The Hague.

Whereas: The delegates to the international conference of the American states, believing that public sentiment in the republics represented by them is constantly growing in the direction of heartily favoring the widest application of the principles of arbitration; that the American republics controlled alike by the principles and responsibilities of popular government and bound together with the increasing mutual interests, can, by their own actions, maintain peace on the continent, and that permanent peace between them will be the forerunner and harbinger of their national development and of the happiness and commercial greatness of their peoples:

They have, therefore, agreed upon the following

PROJECT.[1]

ARTICLE I. — The American republics, represented at the international conference of American states in Mexico which have not subscribed to the three conventions signed at The Hague on the 29th of July, 1899, hereby recognize as a part of public international American law the principles set forth therein.

[1] Report of Second International Conference of American States, Senate Document 330, pages 36, 39.

ARTICLE II. — With respect to the conventions which are of an open character, the adherence thereto will be communicated to the government of Holland through diplomatic channels by the respective governments, upon the ratification thereof.

ARTICLE III. — The wide general convenience being so clearly apparent that would be secured by confiding the solution of differences to be submitted to arbitration to the jurisdiction of a tribunal of so high a character as that of the arbitration court at The Hague, and, also, that the American nations, not now signatory to the conventions creating that beneficent institution, can become adherents thereto by virtue of an accepted and recognized right; and further, taking into consideration the offer of the government of the United States of America and the United States of Mexico, the conference hereby confers upon said governments the authority to negotiate with the other signatory Powers to the convention for peaceful adjustment of international differences, for the adherence thereto of the American nations so requesting and not now signatory to said convention.

ARTICLE IV. — In order that the widest and most unrestricted application of the principle of just arbitration may be satisfactorily and definitely brought about at the earliest possible day, and, to the end that the most advanced and mutually advantageous form in which the said principle can be expressed in a convention to be signed between the American republics may be fully ascertained, the president of Mexico is hereby most respectfully requested to ascertain by careful investigation the views of the different governments represented in the conference regarding the most advanced form in which a general arbitration convention could be drawn that would meet with the approval and secure the final ratification of all the countries in the conference, and after the conclusion of this inquiry, to prepare a plan for such a general convention as would apparently meet the wishes of all the republics; and, if possible, arrange for a series of protocols to carry the plan into execution; or, if this should be found to be impracticable, then to present the correspondence with a report to the next conference.

On January 29, 1902, ten of the republics signed the following treaty on compulsory arbitration:

ARTICLE I. — The High Contracting Parties obligate themselves to submit to the decision of arbitrators all controversies that exist, or may arise, among them and which diplomacy cannot settle, provided that in the exclusive judgment of any of the interested nations said controversies do not affect either the independence or the national honor.

ARTICLE II. — Independence or national honor shall not be considered as involved in controversies with regard to diplomatic privileges, boundaries, rights of navigation and validity, construction and enforcement of treaties.

ARTICLE III. — By virtue of the power established in Article XXVI, the High Contracting Parties agree to submit to the decision of the permanent court of arbitration, created by such convention, all the controversies referred to in the present treaty, unless either of the parties prefers the establishment of a special tribunal.

In the event that the High Contracting Parties should submit to the jurisdiction of the permanent court of The Hague, they accept the precepts of said convention, both with respect to the organization of the tribunal and as to its procedure.

ARTICLE IV. — Whenever a special tribunal should be organized on any account, whether it is so desired by any of the parties, or because the permanent court of arbitration of The Hague should not be open to them, the procedure to be followed shall be established at the time the arbitration agreement is signed. The court shall determine the date and place of its sessions and the language to be used, and shall, in every case be invested with the authority to decide all questions relating to its own jurisdiction and even those referring to the procedure of points not considered in the arbitration agreement.

ARTICLE V. — If upon organizing a special tribunal the High Contracting Parties should not agree upon the designation of the arbitrator, the tribunal shall consist of three judges. Each state shall appoint an arbitrator who will designate an umpire. Should the arbitrators fail to agree on this appointee,

it shall be made by the government of a third state, to be designated by the arbitrators appointed by the parties.

If no agreement is reached with regard to this last appointment, each of the parties shall name a different Power and the election of the third arbitrator shall be made by the two Powers so designated.

ARTICLE VI. — The High Contracting Parties hereby stipulate that, in case of a serious disagreement or conflict between two or more of them, which may render war imminent, they will have recourse, as far as circumstances allow, to the good offices or the mediation of one or more friendly Powers.

ARTICLE VII. — Independently of this recourse, the High Contracting Parties consider it useful, that one or more Powers, strangers to the dispute, should, on their own initiative, as far as circumstances will allow, offer their good offices or mediation to the states at variance.

The right to offer the good offices or mediation belongs to Powers who are strangers to the conflict even during the course of hostilities.

The exercise of this right shall never be regarded by either of the contending parties as an unfriendly act.

ARTICLE VIII. — The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the states at variance.

ARTICLE IX. — The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute or by the mediator himself, that the methods of conciliation proposed by him are not accepted.

ARTICLE X. — Good offices and mediation, whether at the request of the parties at variance, or upon the initiative of Powers who are strangers to the dispute, have exclusively the character of advice, and never have binding force.

ARTICLE XI. — The acceptance of mediation cannot, unless there be an agreement to the contrary, have the effect of interrupting, delaying or hindering mobilization, or other measures of preparation for war. If mediation occurs after the commencement of hostilities, it causes no interruption to the

military operations in progress unless there be an agreement to the contrary.

ARTICLE XII. — In case of a serious difference endangering peace, and whenever the interested Powers cannot agree in electing or accepting as mediator a friendly Power, it is to be recommended to the states in dispute the election of a Power to whom they shall respectively entrust the mission of entering into direct negotiation with the Power elected by the other interested party, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, cannot exceed thirty days, the contending Powers shall cease all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating Powers.

If these friendly Powers do not succeed in agreeing on a solution that would be acceptable to those in conflict, they shall designate a third that is to act as mediator. This third Power, in case of a definite rupture of pacific relations, shall, at all times, be charged with the task of taking advantage of any opportunity to restore peace.

ARTICLE XIII. — In controversies of an international nature arising from a difference of opinion on points of fact, the signatory Powers consider it useful that the parties who have not been able to come to an agreement by means of diplomacy, should, so far as circumstances allow, institute an international commission of inquiry, to facilitate a solution of those differences, elucidating the facts by means of an impartial and conscientious investigation.

ARTICLE XIV. — The international commissions of inquiry are constituted by special agreement. The agreement defines the facts to be examined, and the extent of the commissioner's powers, and settles the procedure to which they must limit themselves. On the inquiry both sides shall be heard, and the form and periods to be observed, if not stipulated by the agreements, shall be determined by the commission itself.

ARTICLE XV. — The international commissions of inquiry are constituted, unless otherwise stipulated, in the same manner as the tribunal of arbitration.

ARTICLE XVI. — The Powers in dispute engage to supply the international commission of inquiry, as fully as they may deem possible, with all means and facilities necessary to enable it to be completely acquainted with and to accurately understand the facts in question.

ARTICLE XVII. — The above mentioned commissions shall limit themselves to ascertain the truth of the facts alleged, without entering into any other appreciations than those merely technical.

ARTICLE XVIII. — The international commission of inquiry shall present its report to the Powers which have constituted it, signed by all its members. Its report limited to the investigation of facts, has, in no manner, the character of an arbitral award, and it leaves the contending parties at liberty to give it the value they may deem proper.

ARTICLE XIX. — The constitution of commissions of inquiry may be included in the arbitration bonds, as a previous proceeding, to the end of determining the facts which are to be the subject of the inquiry.

ARTICLE XX. — The present treaty does not abrogate any previous existing ones, between two or more of the Contracting Parties, in so far as they give greater extension to compulsory arbitration. Neither does it alter the stipulation regarding arbitration, relating to specific questions which have already arisen, nor the course of arbitration proceedings which may be pending by reason of the same.

ARTICLE XXI. — Without the necessity of exchanging ratifications, this treaty shall take effect so soon as three states, at least, of those signing it, express their approval to the government of the United States of Mexico which shall communicate it to the other governments.

ARTICLE XXII. — The nations which do not sign the present treaty, may adhere to it at any time. If any of the signatory Powers should desire to free itself from its obligations, it shall denounce the treaty; but such denouncement shall not produce any effect except with respect to the nation which may denounce it, and only one year after the notification of the same has been made.

Whenever the denouncing nation shall have any arbitration

negotiations pending at the expiration of the year, the denouncement shall not have any effect with reference to the case not yet decided.[1]

This treaty was signed by the Argentine Republic, Bolivia, Dominica, Guatemala, Salvador, Mexico, Peru, Paraguay, Uruguay, and Venezuela. At this conference Chile took strong grounds against compulsory arbitration, while Peru took strong and broad grounds in favor of it.

The adoption of The Hague treaty by this convention practically made all the nations of the world parties to it. It made its adoption so nearly universal as to make The Hague treaty and Tribunal a part of the international law for the government of all nations.

The compulsory arbitration feature of this treaty which was signed by ten of the republics is one of the great features of this convention at the City of Mexico. It remains to be seen whether or not The Hague treaty will become practically compulsory.

The Hague and Mexico conventions have done a great work for the peace of the world in so far as that peace may be disturbed by international strifes. These treaties, however, do not reach the cases of revolutions and insurrections which so often take place within the Latin-American republics.

[1] Report of the Second International Conference of American States, Senate Document 330, pages 40, 45.

CHAPTER XXIII

EFFECT OF THE TWO CONVENTIONS

A CONSIDERATION of the results of The Hague Convention of July, 1899, and the convention which assembled at the City of Mexico, October 22, 1901, seems necessary to a complete understanding of the effect of these conventions upon the principles of international law.

The Hague Convention was signed by the United States of America, Germany, Austria-Hungary, Belgium, China, Denmark, Spain, the United Mexican States, France, Great Britain and Ireland, Greece, Italy, Japan, Luxembourg, Montenegro, the Netherlands, Persia, Portugal, Roumania, Russia, Servia, Siam, Sweden and Norway, Switzerland, Turkey, and Bulgaria.

The signatures of certain other nations, it is understood, have been added to the treaty since.

The Second International Conference of American States, which convened at the City of Mexico, took up the subject of The Hague treaty, and it was ratified on January 15, 1902, by Guatemala, Mexico, Argentina, Peru, Uruguay, Venezuela, Costa Rica, Hayti, Dominica, Paraguay, Bolivia, Salvador, Colombia, Honduras, Nicaragua, and the United States.

Chile and Brazil did not sign the convention, and it is not known whether or not they have since signed it, as they can do at any time under the provisions of Article XXII.

Venezuela signed it, but the Venezuelan government withdrew its delegation on January 14, 1902, making its withdrawal retroactive to and from December 31, 1901.

Under these circumstances, Venezuela did not originally become a party to this convention, and it is not known whether or not she has since signed it.

The Hague treaty provided that the non-signatory powers who were represented there, must make known their adhesion

to it by a written notification addressed to the Netherlands government and communicated by it to all the other "Contracting Powers."

As to those not represented there, it was provided by Article LX, that their adherence to the convention should form the subject of a subsequent agreement among the Contracting Powers.

Since it is the substance and not the form of the transaction which must be looked to, it must be conceded that the action of the American republics made them parties to The Hague treaty. This convention at the City of Mexico is described in another chapter. It expressly recognizes the convention at The Hague on July 29, 1899, as a part of public international law, and it directs the respective republics, on a ratification of the same, to certify the fact to the government of Holland, through the regular diplomatic channels.

Considering the action of the two conventions, it will be seen that The Hague treaty has been practically adopted by all the nations of the world; or so nearly so that the treaty has become a part of international law.

The following are quotations from Volume XVI of the "American and English Encyclopedia of Law," second edition, page 1126.

"Treaties and conventions between States may or may not be strong evidence of rules of international law on the subjects referred to therein, according to their character and purpose. A treaty which is intended to change or fix such rules, if signed by practically all the civilized powers likely in any way to be affected by it, is of such great authority that the rules declared thereby may be considered as thereafter a part of international law. If, however, any State intimately concerned in the subject of the rules, especially if one of the great powers, withholds its assent thereto, the treaty can be regarded as showing a tendency merely, and not as fixing an absolute rule binding on all nations. On the other hand, stipulations in treaties between two nations as to their mutual conduct in certain respects generally show either that the rules of inter-

national law are otherwise, or, that they are uncertain, since if this were not the case, the stipulations would not be necessary. Such treaty stipulations may, however, if repeated in numerous treaties between different nations, gradually establish a usage and rules in accordance therewith, and they themselves will then gradually disappear as having become unnecessary."

The same authority in the note to this text says:

"Among treaties which may be regarded as establishing rules of international law, may be mentioned the declaration of the Congress of Vienna of 1815, which fixed diplomatic precedence, and the Geneva Convention of 1864, which, since the adhesion of the United States in 1882, may be regarded as having established the neutral character of persons and things employed in the care of the sick and wounded in war."

Under the foregoing definitions, therefore, the general ratification of The Hague treaty has already made it a part of international law. It results, therefore, that all nations are bound by its provisions whether they have formally ratified it or not.

Moreover, The Hague Convention had for its object the establishment of certain rules of international law. This is seen from the mode and circumstances of its being called together; as well as from the prefatory statements, which preface the protocol. This, of itself, like the preamble to a statute, elucidates the meaning and purport of the text.

Upon full consideration it appears probable that Great Britain, Germany, and Italy have violated The Hague treaty in respect to mediation, in consequence of having attacked Venezuela without first having recourse to mediation as provided for in Articles II and III of the treaty.

Prior to The Hague treaty, it was proper for a State to offer its good offices for the settlement of disputes between other nations, even when an actual state of war had arisen, but the refusal of such offer was no cause of offence. Likewise, the offer might be made at the request of one or both of the disputants, and sometimes two or more nations would join in making such an offer.

Mediation, therefore, as introduced by The Hague treaty, is not a novelty in international law. The treaty enlarged and extended the principle of mediation so as to make it a moral if not a legal obligation to the disputing nations to resort to mediation before they should appeal to arms. It likewise made it a matter of moral obligation for nations influential with the disputing parties to offer their good offices for a settlement.

Under the old régime nations were timid about offering their services, as they were likely to be looked upon as partisans in doing so, and thereby became involved in the controversy themselves.

Under the treaty, mediation is not obtrusive or partisan, and the nations are entering upon it, not timidly as before, but resolutely and with alacrity.

Arbitration also was formerly resorted to occasionally as a means of settling international disputes. The arbitrators were disinterested persons, and frequently were the rulers of other States.

Arbitration, however, sprang up at the time of the disagreement upon the initiative or suggestion of one or both the parties, and it was generally resorted to in a limited class of cases, such as boundary disputes. Later on it became extended and popularized, until it culminated in The Hague Tribunal, where all controversies can be adjudicated.

There is at least a moral obligation to submit to this tribunal all international disagreements of a nature which involve "neither honor nor vital interests." This class of exceptions will be found to be exceedingly limited in number, and even these excepted matters can be adjudicated by the tribunal.

As pointed out elsewhere, The Hague treaty is not to conflict with our traditional foreign policy. On the other hand it strengthens us in the assertion of it, and removes the chances of war to a large extent. It benefits Europe likewise, because it tends to preserve the "Balance of Power" there without the necessity for vast and expensive armaments.

The "Balance of Power" system of Europe may be termed the "Monroe Doctrine" of Europe.

It is thus defined by publicists: Vattel says that "by this balance is to be understood such a disposition of things as that no one potentate or state shall be able absolutely to predominate and prescribe law to the others; that all were equally interested in maintaining this common settlement; and that it was the interest and right and duty of every power to interfere even by force of arms, when any of the conditions of this settlement were assailed by any other member of the community."[1]

Frederick Von Gentry defines it in these words:

"What is usually termed a balance of power is that constitution subsisting among neighboring States, more or less connected with one another, by virtue of which no one among them can injure the independence or essential rights of another, without meeting with effectual resistance on some side, and consequently exposing 'itself to danger.'"[2]

This "Balance of Power" has had its victories at Waterloo, and in the treaty of 1856, ending the Crimean war. It has met its defeats in the partition of Poland; the wresting of Schleswig and Holstein from Denmark, and in the consolidation of the German Empire.

The far-reaching character of the two treaties is not popularly suspected. The world has entered upon a new and a far better era in both war and diplomacy.

The enormous military establishments of Europe, as a result, will be curtailed, while a great measure of peace, tranquillity and repose will be bequeathed to the American States.[3]

[1] New American Cyclopedia Vol. II, page 510.
[2] Ibid.
[3] Ibid.

CHAPTER XXIV

THE CALVO DOCTRINE

CARLOS CALVO is a publicist who resides in the Argentine Republic. He published in 1868 his work on International Law in the Spanish language, which has now reached the fourth or fifth edition. His works have been translated into French, but never into English, so that he is better known in Europe than in the United States. Copies of the French edition are to be found in the state and judicial departments of the government. Aside from this there are only a few copies in the hands of private individuals in the United States, and these are in Spanish or French.

Calvo is sometimes quoted with other writers as authority on international law by the Supreme Court of the United States in its published reports of its decisions.

The Second International Conference of American States convened in the City of Mexico on October 22, 1901. The objects of this convention were stated by McKinley in his Message to Congress of December 5, 1899. After referring to the interest taken by other republics in such matters, he said: "In view of this fact and of the numerous questions of general interest and common benefit to all of the Republics of America, some of which were considered by the first international American Conference, but not finally settled, and others which have since grown to importance, it would seem expedient that the various Republics constituting the union should be invited to hold, at an early date, another conference in the capital of one of the countries other than the United States, which has already enjoyed the honor." [1]

[1] Report of Second International Conference of American States, Senate Document 330, pages 3, 4.

This resulted in the approval of the various republics and the consent of their governments, and the City of Mexico was fixed upon as the place for holding the convention.

On October 8, 1901, President Roosevelt appointed as delegates to that conference, Henry G. Davis of West Virginia, William I. Buchanan of Iowa, Charles M. Pepper of the District of Columbia, Volney W. Foster of Illinois, and John Garrett of Oregon. Among other proceedings of that conference was a motion offered by the Mexican delegation and adopted by the conference which reads as follows:

"The delegation of Mexico has the honor of proposing to the Conference that it offer a testimonial of its esteem to the eminent Argentine writer, Mr. Carlos Calvo.

"This motion is in harmony with the purposes of the congress, and is a significant proof of the spirit which unites the countries represented therein; more than a glory for the Argentine Republic, a glory for all America is this sage, who consecrated his strenuous, and fortunately long life, to repair an omission of the writers on international law, 'who,' as he himself says, 'left this vast American continent in the dark, although its power and influence are increasing from one day to another, and whose people, in equality with those of Europe, are advancing on the road of civilization and enlightenment.'

"If to labors of such utility for our Republics, crowned in a masterly manner by his 'Theoretical and Practical International Law' he devoted all his energy, it is but just that we should offer the expression of our sympathy to a man to whom may be applied the beautiful phrase of Lucan: 'He did not consider himself born for himself alone, but for the entire world; he was the faithful guardian of justice and the observer of the laws of honor.'

"For these considerations we respectfully ask the conference to transmit to his excellency, Mr. Carlos Calvo, the expressions of esteem which it cherishes for that eminent American writer."[1]

[1] Report Second International Conference of American States, Senate Document 330 pages 180, 181.

The resolution states the fact that Mr. Calvo had "consecrated his strenuous and fortunately long life, to repair an omission of the writers on international law, who left this vast American continent in the dark;" but the resolution does not state what the omission was which produced so much impenetrable darkness and gloom in this hemisphere, neither does it show by what method Calvo could have evolved these principles of international law from his own inner consciousness.

It is not claimed that the adoption of this resolution endorsing Calvo and his doctrines has the force and effect of a treaty between the United States and the other American republics. The proposition under consideration is not that of the binding force of that resolution upon the United States, but it relates to the view the European governments would be likely to take of the views entertained by the United States concerning the doctrines of Calvo when the American republics, including the United States, as the voice of one man broadly endorsed his views at a conference called by the United States for the purposes named in McKinley's message; and it could not be said that our representatives in that conference exceeded their authority in voting for that resolution, which seems to have had no opposition.

The resolution carries with it the apparent implication that Calvo is the universally recognized international law-giver for all the American republics, and especially of the United States which was instrumental in originating the conference.

The Calvo Doctrine as stated by him in his text is as follows:

"America as well as Europe is inhabited to-day by free and independent nations, whose sovereign existence has the right to the same respect, and whose internal public law does not admit of intervention of any sort on the part of foreign peoples, whoever they may be."[1]

Under the doctrine thus enunciated, most, if not all of the Latin-American republics have enacted very drastic laws

[1] Calvo's "Droit Internationale," Paris, 1896, Tome 1, Section 204, page 350.

against foreigners, which deny their right to appeal to their own governments for redress. These statutes not only take away this right of appeal, but they also deprive the foreigner of nearly every right of redress for the taking of his private property during periods of revolution and rebellion.

Reference is here made to a special convention which was signed by all the Latin-American republics at the City of Mexico on January 29, 1903, during the session there of the Second International Conference of American States. This convention is given in full in the subsequent chapter entitled "Monroe and Calvo Combined." A careful reading of that convention will disclose an evident intent to leave foreigners practically without any redress for wrongs inflicted upon their persons or their property in times of revolution and rebellion.

The great service which Calvo performed for the American republics was to convey the intimation to them that they could enact nearly all kinds of laws affecting the rights of foreigners and that they would be valid and binding.

The Calvo Doctrine is built upon the well recognized principle of international law that foreigners must obey the laws of the government in which they are domiciled, or under which they do business and make contracts. The doctrine which is developed from this general principle as enunciated by Calvo is of a novel character. It is so new that it has never yet actually been tested before any international tribunal. It would require thought and research to detect any difference in opinion between Calvo and the other publicists. The Calvo Doctrine is constructed on the innuendo which his text conveys, rather than upon the text itself. The innuendo comes from the statement in the text that a nation's public law does not admit of intervention by foreign nations, and that therefore a nation can enact statutes of every character whatsoever in regard to foreigners, and they will not be the subject of any intervention.

The most outrageous of all these statutes was enacted by the Venezuelan Congress, April 11, 1903.

The full text of the act reads as follows:

"Decrees. Article I. Foreigners shall enjoy, in the territory of Venezuela, the same right as Venezuelans, as it is determined by the constitution of the republic.

ARTICLE II. Foreigners found within the territory of the United States of Venezuela shall be considered either as resident or in transit.

ARTICLE III. Domiciled foreigners are:

1. Those who have acquired residence in conformity with the provisions of the civil code.

2. Those who have voluntarily and without interruption, resided within the territory for more than two years, without diplomatic character.

3. Those who own real estate within the territory of the republic, and who have established permanent residence herein.

4. Those who have been residing in the territory of the republic for more than two years and who are engaged in commercial pursuits or any other kind of industry, provided they have a house established in a permanent way, even though invested with the character of consul.

ARTICLE IV. Foreigners in transit are such as are found within the territory of the republic and are not comprised within the definitions of the preceding article.

ARTICLE V. Resident foreigners are subject to the same obligations as the Venezuelans, as to their persons as well as their properties, but they are not subject to military service, nor to the payment of forced and extraordinary war contributions in case of revolution or of internal armed warfare.

ARTICLE VI. Foreigners domiciled or in transit must not mix in the political affairs of the republic nor in anything relating to said political affairs. To this end they cannot:

1. Form a part of political societies.

2. Edit political newspapers or write about the interior or exterior politics of the country in any newspaper.

3. Fill public offices or employment.

4. Take arms in the domestic contentions of the republic.

5. Deliver speeches which in any way relate to the politics of the country.

ARTICLE VII. Domiciled foreigners who violate any of the

provisions established in Article VI lose their character of foreigners, and become *ipso facto* subjected to the responsibilities, burdens and obligations which might be occasioned to natives through internecine political contingencies.

ARTICLE VIII. If in contravention of the express prohibition of this law any foreigner exercises any public charge without being empowered thereto in conformity with the constitution, his acts are null and the person elected and the functionary who names him are jointly responsible for the same.

ARTICLE IX. Foreigners in transit who violate the provisions of Article VI, shall be immediately expelled from the republic.

ARTICLE X. The presidents of the States and Federal districts, upon becoming aware that any one or more of the domiciled foreigners intermeddle in the political affairs of the republic, shall bring proper legal action, transmitting the proceedings to the Federal executive.

ARTICLE XI. Neither domiciled foreigners nor those in transit have any right to resort to the diplomatic corps, except when, having exhausted all legal means before the competent authorities, it clearly appears that there has been a denial of justice, or injustice or evident violation of the principles of international law.

ARTICLE XII. Foreigners already here to be hereafter domiciled and those in transit who are not invested with a diplomatic character shall be obliged to make a declaration before the civil authority that they submit to the provisions of the present law in its entirety, and to those of the decree of the 12th of February, 1873, which established the rules for the indemnification of foreigners. All foreigners who omit to make this declaration shall be expelled.

ARTICLE XIII. The civil authorities before whom the declaration should be made shall not make any charge whatsoever.

ARTICLE XIV. The national executive shall not issue exequaturs for the consular or vice consular service to persons who are engaged in trade.

ARTICLE XV. The establishment within the country of any societies of any kind whatsoever, who do not fix their quarters or domicile therein, is definitely prohibited.

ARTICLE XVI. Foreigners, like Venezuelans, have the right to bring claims against the nation for indemnification for loss in time of war by legally constituted military or civil authorities, provided always that the latter were acting in their political character.

ARTICLE XVII. Neither foreigners nor Venezuelans can bring any claim against the government of Venezuela for loss or damage occasioned by revolutionary agents or armed bands in the service of any revolution.

ARTICLE XVIII. The provisions of this law are without prejudice to the agreements contained in public treaties.

ARTICLE XIX. The president of the States, and the governors of the Federal territories, shall immediately proceed to draw up a list of foreigners domiciled within their territory.

ARTICLE XX. Foreigners who may come to the republic shall, in order to be admitted within its territory, be under the obligation of presenting before the civil authority the documents which prove their personal status, and a certificate of good conduct issued by the authorities at their last place of domicile.

ARTICLE XXI. The national executive shall make rules and regulations for the working of the present law.

ARTICLE XXII. The executive decree of the 14th of February, 1873, which determines the rights and duties of foreigners, and the executive decree of the 30th of July, 1897, which treats of the interference of foreigners in the electoral affairs of the country, are hereby repealed.

Given at the legislative Federal palace in Caracas, this 11th day of April, 1903, year 92 of the Independence and 45 of the Federation.

(Signed) J. A. VELUTINI,
President of the Senate.

Federal Palace, in Caracas, this 16th day of April, 1903, year 92 of the Independence and 45 of the Federation.

To be executed.

(Signed) CIPRIANO CASTRO.[1]

[1] "Commercial Appeal," of Memphis, April 28, 1903.

The statutes of Salvador and all or nearly all of the Latin-American republics contain provisions similar to the statute of Venezuela, which confers the same rights on foreigners as are enjoyed by citizens.

These statutes, like that of Venezuela, deny the right of any foreigner to appeal to his own government through diplomatic channels until after he shall have exhausted all his remedies under the laws of the republic and through its courts and been denied justice.

Without debating the question, it is proper to state that if these statutes are valid, then the foreigners are left absolutely without any remedy except such as these republics will administer to them, and they are cut off from any right to lay their grievances before their own governments.

The conferring on foreigners of the same rights as are enjoyed by citizens has a very comical side to it when its meaning is fathomed. These republics do not hold themselves liable for any property taken from any citizen by any revolutionary party, and the foreigner enjoys the same inestimable privilege of being thus robbed without redress.

There would appear to be an element of justice in such a provision if it were not for the difficulty in determining which is to be considered the revolutionary party and which the government party.

Andrade was president of Venezuela, and had been elected for four years. He had served but little over one year when Castro got up a rebellion and drove Andrade from power. Matos was a member of Andrade's cabinet, and had been conducting a war against Castro, the usurper, and yet Matos is considered a revolutionary leader because he is unsuccessfully defending the established government against a usurper. This established government of Andrade and his generals, Matos and others, had despoiled the foreigners of their property before they came under the jurisdiction of Castro, the usurper, and yet the government will now claim that it is not responsible for the taking of property from foreigners by Matos and his army because they are a revolutionary party.

It is a well settled principle of international law that where a nation takes the property of a foreigner a just compensation must be given for it.

It has been said that the statutes of some of these republics deny the right of citizens to compensation for property taken by the government or destroyed in war. Under such statutes, foreigners who enjoy the same rights would be denied redress.

These statutes which are aimed at foreigners with so much ingenuity are in conflict with certain principles of international law. They are in conflict with that principle of law which prohibits one nation either in time of war or peace from appropriating to its own use the property of foreign subjects without just compensation therefor. They violate that other principle of international law which confers on foreign subjects the right to appeal to their own governments for redress through the regular diplomatic channels.

Since these statutes have been enacted the question arises, which conflicting law must prevail and which one must give way. It is conceded on the one hand that the principles of international law require that the foreign citizen or subject obey the laws of the nation where he is domiciled. Upon a superficial view it would appear that the disciples of Calvo have the better of the argument. Since, however, all general rules have exceptions to them, it must be stated that nations do possess the general right to make laws in regard to foreigners within their dominions, but they have no right to deprive them of their property without just compensation, or to enact any laws against foreigners which are in conflict with the principles of international law between a foreign subject or citizen and his home government in respect to appeals for redress.

In investigating these propositions it is necessary to bear in mind the distinction between private international law and public international law. The questions under discussion here arise under the latter. Private international law is a separate branch of jurisprudence, and any recourse to it could throw but little light on the questions which arise under the head of public international law. Whether the controversies arise

under the one head or the other, it will be shown further on that the United States, and the States themselves as well, have held all contracts made in foreign countries and sought to be enforced in this country to be void when they were contrary to the public policy of the United States.

It would be contrary to the public policy of the civilized world for any one or more nations to enact statutes which would nullify and set aside the rules of public international law. The Calvo Doctrine attempts to nullify the settled principles of international law through the local municipal regulations of certain States. This is one of the most important questions which the United States has ever been called upon to consider. The future welfare of the United States depends greatly upon the proper solution of this important question. Recent events in this hemisphere are forcing this question to the front, and the consideration of it cannot be put aside any longer or allowed to go by default. The United States cannot take any equivocal position concerning it, and the effects produced by decisively taking a definite position will be far-reaching.

The effort of Latin-America is to build up a system of American international law, not only for the government of the republics in this hemisphere, but also for the government of their foreign relations with Europe and the entire world. This is an absurdity. International law is defined as the rules which determine the conduct of the general body of civilized States in their dealings with one another. This international law cannot be made by a few States. It is a general principle which governs all. This international law cannot be repealed or modified by the statutes of one or more powers, nor by the concurrence of all the powers in the Western Hemisphere.

CHAPTER XXV

CALVO DOCTRINE; PUBLIC POLICY

THE proposition now under consideration is concerning the validity or invalidity of the statutes of Salvador, Venezuela, and other republics in respect to the denial of the right of any foreigner to resort to an appeal to his home government, through its accredited diplomatic channels.

This proposition does not relate to the right to these diplomatic appeals alone, but it relates also to the right of these republics to take away from foreigners domiciled, or doing business there, the rights they possess under the rules of international law.

The question tersely stated is whether or not a foreign power can legislate in hostility to the rules of international law. To restate the question in another form the proposition is that where local or municipal statutes of any nation conflict with the settled principles of international law, which control? Do these local or municipal statutes set aside and annul the principles of international law, or do the rules of international law control and render the local or municipal statutes void?

The rights under consideration are such rights which the subjects of other nations may have of life, liberty, and property as are secured to them by the rules of international law.

Among these is the right to a just compensation for property taken or destroyed by the government where the foreign subject is domiciled or transacts business. This leads to a consideration of the question of public policy.

Public policy is defined in the text-books as follows: "That principle of the law which holds that no one can lawfully do

that which has a tendency to be injurious to the public, or against the public good, may be termed the policy of the law, or public policy in relation to the administration of the law. . . . If a contract binds the maker to do something opposed to the public policy of the State or nation, it is void, however solemnly made."[1]

The Supreme Court of the United States has said that "the public policy of the government is to be found in its statutes, and when they have not directly spoken, then in the decisions of the courts and the constant practice of the government officials; but when the law-making power speaks on a particular subject, over which it has constitutional power to legislate, public policy in such a case is what the statute enacts."[2]

It results from this principle that if the public policy of the United States is not sufficiently well defined by the decisions of the courts and by the constant practice of the government officials, then it would be competent for Congress to enact a law defining the public policy of the United States in respect to the rights of any of its citizens to waive any of their rights as citizens to appeal to this government, through diplomatic channels, for redress in cases where they had either contracted not to do so, or in cases where the countries in which they are temporarily domiciled have enacted laws which appear to take away that right, and which were intended to deprive them of that right.

The Supreme Court of the United States has said, in Mitchell *vs.* United States, 21 Wallace, 350, that where a party goes into the enemy's country from the United States, and trades there in the enemy's country, he has thereby not lost his original domicile in the United States, although he has remained in the enemy's country during an entire war. The court held that it was a case where the party had been trading with the enemy during the war, and that his contract

[1] American and English Encyclopedia of Law, second edition, Vol. XXIII, pages 455, 457.

[2] United States *vs.* Trans-Missouri Freight Association, 166 United States, page 340.

was void on the ground of public policy. The domicile of the parties to the trading, and not their situation at the time thereof, determines its legality, and, accordingly, it is not made legal by the fact that one goes into the enemy's country and carries it on with an enemy there. And so intercourse between an alien domiciled in a country and one of its enemies is invalid.

These principles are referred to for the purpose of showing that citizens of the United States in foreign countries are still amenable to the laws of the United States and subject to its jurisdiction.

The United States has no statute which fixes and determines its public policy with reference to its citizens who are domiciled and doing business in, or who make contracts in foreign countries, in respect to their right to diplomatic appeal.

Our proposition is that the public policy of the United States, with reference to its citizens who are temporarily domiciled in foreign countries, and who make contracts there, controls over the public policy or statutes of foreign nations, who have statutes and a public policy which is contrary to our own. There may be some qualifications to the statements as broad as this, but the matter here under consideration relates to the special question of the right of a foreign government to deprive one of the citizens of the United States of the right to appeal to his own government for protection, under the provisions of the statutes of such foreign country, or by virtue of such contracts which he may have made, waiving such right.

The opinion here expressed is that the right of appeal is a jurisdictional one which could not be waived by the citizen, and that it could only be waived by the United States, and that it would be improper for the United States to waive it, because it would be contrary to its public policy to do so.

The Federal and State judiciary in the United States have settled a great many principles of public policy, in which

statutes have been held to be void as contravening public policy, and in which contracts have been held to be void in part for the same reason. Without going into any details of these matters, a few of the heads of subjects which have been thus passed upon may be mentioned.

The following classes of contracts have been held by the Federal and State judiciary to be void on grounds of public policy: contracts in restraint of marriage; contracts waiving the equity of redemption; agreement to waive the statutes of limitation; contracts limiting the liability of common carriers; Sunday contracts; contracts affecting rights acquired under the pre-emption and homestead laws; contracts made in consideration of compounding offences; contracts rendered for service in obstruction of justice; contracts to suppress prosecution; to violate a statute; sale of private, personal influence; contracts relative to future damages; immoral contracts.

The class of contracts which are held to be void on the ground of public policy which are known as "contracts to not resort to a judicial forum" must also be considered.

The principle here referred to is laid down as follows: "The consent of parties cannot oust a court of its jurisdiction, and, therefore, a contract not to resort to a judicial forum in the settlement of disputes is not binding at law."[1] The same principle is referred to in another form in the following language:

"Where the parties to a contract enter into an absolute agreement or covenant, that in case a dispute should arise under such contract, all matters in difference between them relating thereto, shall be submitted to arbitration, such stipulation is void on grounds of public policy, because to give effect to it would be to oust the courts of their jurisdiction."[2]

These principles are well established by the judicial decisions of Great Britain and of the several State courts, and of

[1] American and English Encyclopedia of Law, Vol. XII, page 305.
[2] Ibid., second edition, Vol. XII, page 570.

the Supreme Court of the United States. In Home Insurance Company *vs.* Morse, 20 Wallace, 445, the Supreme Court of the United States decided a case that came there from the State of Wisconsin. The State of Wisconsin by a statute passed in 1870 required all foreign insurance companies, before they could do business within the State, to file a written instrument duly signed and sealed, in which they stipulate, among other things, that in case of any suits brought against them they will not remove any of them for trial into the United States Circuit Court or Federal Court.

The State court of Wisconsin sustained the validity of this statute, and proceeded to render judgment against the insurance company, after a petition for a removal to the Circuit Court of the United States had been regularly filed. When this case came before the Supreme Court of the United States, it held that the statute of Wisconsin was repugnant to the Constitution of the United States and to the laws thereof, and that it was illegal and void.

In the case of the Potomac Steamboat Company *vs.* Baker Salvage Company, 123 United States Reports, 59, the Supreme Court of the United States held that an agreement to submit matters to arbitration did not in any manner affect the rights of the parties to go into a court of admiralty to have their matters adjudicated.

The Supreme Court of the United States, in Kenneth *vs.* Chambers, in 14 Howard, 38, held that "a contract by an inhabitant of Texas, to convey land in that country to citizens of the United States, in consideration of advances of money made by them in the State of Ohio, to enable him to raise men and procure arms to carry on the war with Mexico, the independence of Texas not having been at that time acknowledged by the United States, was contrary to our national obligations to Mexico, violated the public policy of the United States, and cannot be specifically enforced by a court of the United States."

The same court in Oscanyan *vs.* Winchester, 103 United States, 261, held that a contract to corruptly influence the

Turkish government to enter into a contract, although made in Turkey, was void and contrary to the public policy of the United States, and that it would not be enforced without respect to the question as to whether or not it was valid in the foreign country where made. The point was made in the case that the illegal nature of the contract is not set up in the pleadings. Mr. Justice Field, in rendering this opinion, quoted the language of Mr. Justice Swayne in another case as follows:

"There can be no waiver. The defence is allowed, not for the sake of the defendant but of the law itself. The principle is indispensable to the purity of its administration. It will not enforce what it has forbidden and denounced. The maxim, *Ex dolo malo non oritur actio*, is limited by no such qualification. The proposition to the contrary strikes us as hardly worthy of serious refutation. Whenever the illegality appears, whether the evidence comes from one side or the other, the disclosure is fatal to the case. No consent of the defendant can neutralize its effect. A stipulation in the most solemn form, to waive the objection, would be tainted with the vice of the original contract, and void for the same reasons. Wherever the contamination reaches, it destroys. The principle to be extracted from all the cases is that the law will not lend its support to a claim founded upon its violation."

The courts of Great Britain and the United States and the State courts have recognized the principle that parties may stipulate for an arbitration of certain questions, such as the quantity, quality, or price of material, or workmanship, the value of the work, the amount of loss or damage or the like, as a condition precedent to the right to sue under the contract itself. These are almost exclusively insurance contracts, where some minor details are submitted to arbitration as a condition precedent to suit under the terms of the contract. The principle, however, involved in controversies between citizens of the United States in foreign countries which deny them the right to appeal to their own government through

diplomatic channels, is one which affects their entire right of appeal.

Parties have a right to submit their differences to arbitration after their causes of action have arisen, and they always have the right to go into a court of equity to set aside the award on the ground of fraud, duress, or undue influence, and other equitable grounds.

The reservations in the statutes of a conditional right of appeal, which the Latin-American republics, like Salvador and Venezuela, have made, amount to nothing. They would have that right under any and all circumstances without such a provision of their statutes, under the principles of common international law. Their statutes practically deny the entire right of foreigners to seek redress by appeals to their own governments, and in its final analysis it is simply absolutely taking away the right of the foreigner to seek for redress from his own government. There can be no doubt but that these statutes are void in so far as they legislate against the right of a foreigner to appeal to his own government, although no case has as yet arisen between this government and the Latin-American republics which required an adjudication of this precise question.

The Republic of Salvador interposed this defence to the rights of certain American citizens in a case which was arbitrated and decided by Hon. Don M. Dickinson of Detroit, Michigan, and Sir Henry Strong, Chief Justice of Canada.

The facts on which their decision was based are stated in part in the opinion. They read in part as follows:

"This controversy had its origin in schemes to establish and develop a new port on the Pacific coast of Central America, in the Republic of Salvador, on the Bay of Jiquilisco.[1]

"For years, as the greatness of the natural resources of Salvador had been discovered and understood, the attention of capital, both foreign and domestic, had been directed to

[1] Foreign Relations of the United States, 1902, pages 862 to 873.

the subject of founding another and, as was hoped, a better port for the purposes of commerce, and one to which the larger and richer resources of the Republic, both in agriculture, including cotton and tobacco, its rich woods, and its mineral wealth, might most economically be made tributary, and which should also be a port of distribution for imports.

"As early as 1850 the Bay of Jiquilisco, in connection with this subject, had been brought to the attention of the investing world by well-known writers whose positions and residence in Central America made their statements impressive.

"In these statements the Rio Lempa, as 'the most important natural feature of Salvador,' in connection with its proximity to estuaries of the Bay of Jiquilisco and the great advantages of a port which might be established on that bay, were pointed out.

"Prior to the exploitation and development of the concession involved in this case, substantially the only ports of the Republic for commercial purposes had been those of La Libertad Acajutla and La Union, neither of which had certain commercial advantages that would appertain to a new port if established in Jiquilisco Bay, and all of which were subject to objections as seaports which at the new port would be obviated.

"As time went on and knowledge of the conditions and of the possibilities of the development of the country became more widespread, interest in the subject increased. The Government of Salvador, however, had never undertaken the improvement of the harbor within or the ship entrances to Jiquilisco Bay.

"In the late summer or fall of 1894 contesting petitions were presented to the Government of Salvador for a concession of the right, for a period of years, to establish steam navigation in the port of El Triunfo, setting forth the details of the proposed enterprise. One application was presented by Simon Sol, Luis Lopez, and Lorenzo Campos, and the other by Henry H. Burrell and George F. Thompson, citizens of the United States, and Gustavo Lozano and Emeterio S. Ruano, citizens of the Republic of Salvador.

The proposals were published in the official journal of the Republic by the proper executive department of the Government, and bids were invited for the franchise so sought.

"These proceedings resulted in the awarding of the franchise or concession to the Burrell party, and on October 6, 1894, the Republic of Salvador granted them, for the period of twenty-five years, the exclusive right of steam navigation of the port, together with certain valuable privileges and as valuable exemptions. The grant was in the form of a bilateral contract, signed by the executive officers in behalf of the Government of Salvador as party of the one part and by the grantees as party of the other part.

"On November 7, 1894, to forestall any possible misunderstanding or narrower construction in future as to the extent of the concession, the President of the Republic officially construed the contract as covering the entire Bay of Jiquilisco.

"The constitution of Salvador requiring that such a concession must be submitted to the supreme legislature for ratification, it was so submitted and ratified by that body on April 15, 1895.

"There can be no doubt that the privileges conferred were of very great value; but in turn there were most onerous reciprocal obligations.

"The grantees' privileges were exclusive, as to steam navigation of the port, to connect with any line of steamers then in existence or which might thereafter be established, and to transship passengers, products, and merchandise which should be exported through the port; to carry on the coasting trade with adjacent ports, to establish a line of steamers to connect with other ports of Central America, Colombia, Mexico, and California.

"And not only did the exclusive privileges apply to the port of El Triunfo, but they were attached to such other places on Jiquilisco Bay and its estuaries as the company might establish for embarkation and debarkation, and for the export of the natural products of the country.

"The grantees were given the right to import, free of duties and taxes, all materials necessary for founding, con-

structing, and maintaining all works pertaining to the enterprise; exemption from taxes on all their property, franchises, and operations; exemption of their employees from military service; exemption from the use of stamped paper and revenue stamps in making contracts within the scope of the business, and the free use of the telegraph and telephone lines operated by the nation. The Government further agreed to do its utmost to keep the roads open between the port of El Triunfo and the coffee centres of the department of Usulutan, the department or municipal subdivision in which Jiquilisco Bay was situated. . . .

"It is apparent that upon the execution of its contract with the Salvador Government, through which the concession was acquired, and upon the formation of the corporation required by the concession, the El Triunfo Company entered upon the preparation and development of the port, and the performance of the requirements imposed upon it with exceptional enterprise and vigor."

After stating the record, proceedings, and evidence, the arbitrators rendered a decision, from which the following is an extract:

"In view of this history it need hardly be said that the evidence discloses that at the time the proceedings in bankruptcy were taken by the false and fraudulent representatives of this company no creditor had complained, and no creditor had a just cause of complaint against it for nonpayment of its debts. On the contrary, its complete financial success and the certainty of its prosperous future had been but then completely assured.

"It is claimed that the United States cannot in this case make reclamation for its nationals, the shareholders in the El Triunfo Company who had thus been despoiled, for the reason that such citizens as so invested their money in the Republic of Salvador must abide by the laws of that country, and seek their remedy, if any they have, in the courts of Salvador; and, moreover, that before reclamation can be successfully urged against Salvador in their behalf it must be shown that such citizens of the United States, having

appealed to the courts of the Republic, have been denied justice by those courts.

"The general proposition of international law as thus stated is *not* denied.

"If the Government of Salvador had not intervened to destroy the franchise and concession of the El Triunfo Company, and thus despoiled the American shareholders of their interests in that enterprise, an appeal might have been, as it was evidently intended to be, made to the courts of Salvador for relief from the bankruptcy proceedings. The first step to that end would be the turning out of the conspiring directors and the installment of a proper directory by the supreme authority of the corporation, the shareholders' meeting.

"But by the executive decrees, rather than by the bankruptcy proceedings, the property rights of the American citizens involved were irrevocably destroyed.

"Seeking redress through a called meeting of the shareholders of the company, the moment the call was issued, and it appeared that the proper remedy was to be sought by the corporation itself, showing that the proceedings by its alleged representative directors, for bankruptcy, were fraudulent, and that the bankruptcy court had been imposed upon by their conspiracy, in fraud of the incorporators, whom they falsely pretended to represent, that moment the Government of Salvador came to the aid of the conspirators, and by executive act destroyed the only thing of value worth retrieving through the courts.

"It is not the denial of justice by the courts alone which may form the basis for reclamation against a nation, according to the rules of international law. 'There can be no doubt,' says Halleck, 'that a State is responsible for the acts of its rulers, whether they belong to the legislative, executive, or judicial department of the government, so far as the acts are done in their official capacity.'

"The law enacted by the Congress of Salvador in relation to foreigners provides: 'Only in case of the denial of justice, or of a voluntary delay of its administration, can foreigners appeal to the diplomatic forum; but only after having exhausted

in vain the ordinary remedies provided by the laws of the Republic.' It is apparent in this case that an appeal to the courts for relief from the bankruptcy would have been in vain after the acts of the Executive had destroyed the franchise, and that such a proceeding would have been a vain thing is the sufficient answer to the argument based upon this law of Salvador.

"What would it have profited these despoiled American citizens if they had successfully appealed to the courts for the setting aside of the bankruptcy proceedings, after the concession was destroyed by the closing of the port of El Triunfo, and the grant of the franchise to strangers?

"Said Mr. Fish to Minister Foster: 'Justice may as much be denied when it would be absurd to seek it by judicial process as if denied after being so sought.'

"Again, this is not a case of the despoliation of an American citizen by a private citizen of Salvador, on which, on appeal to the courts of Salvador, justice has been denied the American national, nor is it a case where the rules applying to that class of reclamations, so numerous in international controversies, have to do.

"This is a case where the parties are the American nationals, and the Government of Salvador itself as a party to the contract; and in this case, in dealing with the other party to the contract, the Government of Salvador is charged with having violated its promises and agreements by destroying what it agreed to give, what it did give, and what it was solemnly bound to protect.

"So one of the most respected authorities in international law, Lewis Cass, has laid down the undoubted rule, and its exception, as broad as the rule, when he says that 'When citizens of the United States go to a foreign country they go with an implied understanding that they are to obey its laws and submit themselves in good faith to its established tribunals. When they do business with its citizens, or make private contracts there, it is not to be expected that either their own or the foreign government is to be made a party to this business or these contracts, or will undertake to determine any dispute to which they give rise.

" 'The case is widely different when the foreign government becomes itself a party to important contracts, and then not only fails to fulfil them, but capriciously annuls them, to the great loss of those who have invested their time, labor, and capital in their reliance upon its good faith and justice.'

"In any case, by the rule of natural justice obtaining universally throughout the world wherever a legal system exists, the obligation of parties to a contract to appeal for judicial relief is reciprocal. If the Republic of Salvador, a party to the contract which involved the franchise to the El Triunfo Company, had just grounds for complaint that under its organic law the grantees had, by misuser or nonuser of the franchise granted, brought upon themselves the penalty of forfeiture of their rights under it, then the course of that Government should have been to have itself appealed to the courts against the company, and there, by the due process of judicial proceedings, involving notice, full opportunity to be heard, consideration, and solemn judgment, have invoked and secured the remedy sought.

"It is abhorrent to the sense of justice to say that one party to a contract, whether such party be a private individual, a monarch, or a government of any kind, may arbitrarily, without hearing and without impartial procedure of any sort, arrogate the right to condemn the other party to the contract, to pass judgment upon him and his acts, and to impose upon him the extreme penalty of forfeiture of all his rights under it, including his property and his investment of capital made on the faith of that contract."[1]

Their decision did not involve the question to which especial attention is directed here. They recognized the principle of international law that citizens of the United States who made contracts in Salvador must show that they have appealed to the courts of the republic and have been denied justice by those courts.

The Republic of Salvador was a party to this contract, and had granted a twenty-five years' franchise, which it arbitrarily abrogated. For this and other reasons stated in the opinion,

[1] Foreign Relations of the United States, 1902, pages 862 to 873.

the statute of Salvador which is quoted had no application, and the right of the citizens to appeal to the government of the United States was maintained.

The precise question under discussion was therefore not passed upon. Señor José Rosa Pacas, Chief Justice of Salvador, was one of the three arbitrators. Sir Henry Strong and Mr. Dickinson agreed on every point, while the Chief Justice of Salvador disagreed with them on every point. The last-named was of the opinion that the laws of Salvador took away the right of our nationals to appeal to the United States.

The constitution of Salvador declares:

"TITLE IV, ARTICLE XLV. Foreigners, from the moment they arrive in the territory of the Republic, shall be strictly bound to respect the authorities and to observe the laws, and shall acquire the right to be protected by them.

"ARTICLE XLVI. Neither Salvadoraneans nor foreigners can in any case claim of the Government any indemnity for damages or detriment which may be caused by factions to their persons or property, having their speedy remedies to prosecute their claims against guilty officials or individuals.

"ARTICLE XLIX. No international agreement can modify in any particular the provisions contained in this title.

"ARTICLE L. Foreigners shall remain subject to a special law of alienism."

The law enacted by the Salvadoranean Congress in relation to foreigners provides:

"ARTICLE XXXVIII. Every foreigner is obliged to obey and respect the institutions, laws, and authorities of the Republic, as provided by article XLV of the constitution, and to obey the decisions and sentences of the tribunals, without power to seek other recourses than those which these same laws give to Salvadoraneans.

"ARTICLE XXXIX. Only in case of a denial of justice or of a voluntary delay of its administration can foreigners appeal to the diplomatic forum; but only after having exhausted in vain the ordinary remedies provided by the laws of the Republic.

"ARTICLE XL. It is provided, however, that there is a denial of justice only when the judicial authority shall refuse to make a formal decision on the principal matter in dispute or on any incidents of the case of which it has taken cognizance or which is submitted to its jurisdiction. Consequently, by the sole fact that the judge has pronounced a decree or sentence, in whatever sense, it cannot be claimed that there is a denial of justice, even though it may be said that the decision is iniquitous or given against express law.

"ARTICLE XLI. The delay of the administration of justice ceases to be voluntary whenever the judge founds it in any reason of law or in any physical impediment which is not in his power to remove."[1]

The Honorable William L. Penfield, Solicitor of the State Department, in his brief in the El Triunfo Company case with Salvador made the following observations concerning the constitution and laws of Salvador in respect to foreigners.

"Without entering into an elaborate analysis of these singular provisions of the constitution and laws of Salvador, it is obvious that even if not ingeniously contrived for the purpose, they would have the effect, if carried out in practice to a logical conclusion, to defeat the ends of justice in respect of foreigners. Under the claim of obedience to the local laws, the constitution prohibits the making of a treaty which would guarantee the rights of aliens, recognized among all civilized states, to appeal to their governments for protection; next commands obedience to the local laws; next follows the enactment of laws requiring obedience to the decisions and sentences of the tribunals, 'without power to seek other recourses than those which these same laws give to Salvadoraneans;' and finally, a legislative definition of a denial of justice, which is in itself the consecration of injustice, by declaring that a decision is just even though it is grossly and confessedly iniquitous.

"The will of the sovereign may be expressed either through constitutional and legislative enactments or through the unrestrained action of the executive. That will, whether ex-

[1] Foreign Relations of the United States, 1902, page 845.

pressed in the one form or the other, cannot control the international relations of states; cannot bind any foreign state. When there is a clash of opinion between two sovereign states on the right of intervention when invoked by the citizen of either against the other, the right is to be determined by principles of international law affecting states in the sovereign capacity and applicable to the given case. An attempt to prohibit by municipal law the right of intervention given by the common law of nations is inconsistent with sovereignty; and in all such cases the right of intervention is decided upon the merits of the particular case. A sovereign state cannot yield this right without abandonment of one of its own most imperative duties."[1]

Penfield further says:

"It is more than doubtful whether the Government of the United States would admit the competency of its citizen to barter away his right to its protection against tortious, arbitrary acts of lawlessness on the part of any state.

"On this question precedents are not wanting.

"The Imperial Government of Germany has decided in a case arising in Venezuela that it will no longer consider itself bound by the clause in most contracts between foreigners and the Venezuelan Government, which states that all disputes growing out of the contract must be settled in the courts of the latter; that the German Government is not a party to these contracts and is not bound by them; and that it reserves the right to intervene diplomatically for the protection of its subjects whenever it shall be deemed best to do so, no matter what the terms of the contract in this particular respect are.

"The British Government, in a case arising in the United States, has taken the position that in a matter of international obligation its right of intervention is not affected even by the failure or omission of the individual to avail himself of a remedy before the courts for the grievance complained of.

"While the government of the United States has not taken so extreme a position as Germany and Great Britain, it has

[1] Foreign Relations of the United States, 1902, page 845.

declared that ' laws of a foreign state attempting to deprive citizens of the United States from having recourse to their own Government to press their claims diplomatically will not be regarded as internationally operative by the Government of the United States.' " [1]

It may be considered to be reasonably well settled that it is contrary to the public policy of the United States to permit the right of diplomatic appeal of one of its citizens to be taken away either by the statutes of a foreign country or by a special contract with the individual.

[1] Foreign Relations of the United States, 1902, page 844; Wharton's Digest, Vol. II, section 242, page 695.

CHAPTER XXVI

CALVO DOCTRINE; RECIPROCAL OBLIGATIONS

EVERY practising lawyer of experience knows that there is always in every community a local influence which generally favors the resident litigant much more than it does the non-resident or foreign litigant in our courts. This gives rise to one of the great difficulties in the administration of justice in the courts of the country. The United States has happily remedied this difficulty as far as it is expedient for it to do so, by taking cases out of the sphere of local influence by providing for non-residents and foreigners the right to remove causes from the State to the federal courts.

The right of citizens of the same State to bring their causes in the United States courts against each other, or to remove them there when brought in the State courts, is denied. Hence it may be said that non-residents and foreigners enjoy rights under the laws of the United States which are denied to the citizens of the respective States; and yet the justice and propriety of this has never been questioned.

The foregoing statement is rendered necessary in order to value the magnanimity of Venezuela in Article I of the Act of April, 1903, in regard to foreigners. It reads thus: "Foreigners shall enjoy in the territory of Venezuela the same rights as Venezuelans, as it is determined by the constitution of the republic."

The constitutions of Venezuela and those of all the Latin-American republics were modeled after the constitution of the United States. The rights of foreigners to sue and be sued in the United States courts and to remove their cases there from the State courts were conferred by acts of Congress and not by the constitution. The constitution only brought such cases within the purview of the judicial power

of the United States, but it is optional with Congress to confer such jurisdiction in respect to foreigners or not as it sees fit. Therefore, if Venezuela has not taken away the rights of foreigners to go into a federal court for redress or to remove a cause there from one of its States or departments, it has at least announced, in the statute of April, 1903, that it would be contrary to its public policy to confer such right.

The same public policy obtains throughout all Latin-America. They have the same *imperium in imperio* form of government with the United States, although their States are sometimes called departments, and sometimes provinces. In theory, at least, these republics claim for their respective States the same degree of independence of the federal power that exists in the United States. All or nearly all of these republics have statutes which take away the rights of foreigners to appeal to their home governments until after they have exhausted all remedies in their courts. The obvious meaning, at least in a general sense, is that they shall not have this right to appeal until they shall have exhausted their remedies and been denied justice in the State or department courts of these republics. The federal governments which enact these laws do not control the administration of justice to the foreigner who impliedly contracts with them to be bound by these laws, or who contracts directly that he will do so. These republics, or those of them which still retain our federal and State system, are no more able to guarantee a fair and impartial trial in their State or department courts than the United States was in respect to the New Orleans rioters who slew the Italian subjects in consequence of the latter's alleged connection with the Mafia.

Therefore, in so far as we can look upon such statutes as an implied contract between the foreigner and the republic, it is a contract without any consideration to support it, and if it could be classed as a contract it would be illegal and void for want of a consideration. It partakes of the nature of a wagering or gambling contract, the conditions of which are "Heads I win, and tails you lose."

We come now to view these statutes of Venezuela and other republics simply as public laws governing foreigners, and find that in this respect they fail to come up to the requirements of international law. When a sovereign admits foreigners within his dominions "he engages to protect them as his own subjects, and to afford them perfect security," says Vattel.

It appears to be very clear that the Latin-American republics do not meet these engagements. In their federal capacity they can do but little. Their States, or departments, whose judiciary they do not control adjudicate almost exclusively upon the rights and wrongs of foreigners. These republics in their capacity are able to do but little toward the protection of foreigners, or toward redressing assaults upon their lives and liberty, and wrongs against their property.

It is probable that our own federal system is defective in this respect, but our government has always been disposed to concede and grant to foreigners every right and privilege which they could reasonably claim, so far as our form of government would permit. Our diplomatic correspondence a few years since with Italy and China brought the fact to the attention of the world that under our peculiar federal system the United States was unable to guarantee that the murderers of Italian and Chinese subjects should have justice meted out through the courts, because the crimes were committed within the States, where the State courts alone could take jurisdiction.

There can be no doubt but that the general government ought to have the power to answer and redress all just claims which foreign nations could properly make under the provisions of international law.

The difference between the United States and many of the Latin-American republics is this: the former goes to the limit of its constitutional ability in protecting the rights of foreigners, while the latter go to the extent of their ability in withholding such protection.

CHAPTER XXVII

CALVO DOCTRINE, ANARCHY

THE legislation of the Latin-American republics has gone to the utmost limit in depriving foreigners of all forms of redress against their respective governments in respect to their rights of life, liberty, and property. It is a well settled principle of international law that a citizen or subject of one nation who carries on trade, and has a commercial domicile within the territory of another nation has no right to claim against the nation in which he resides any different treatment in case of loss by war, either foreign or civil, than that which the latter country metes out to its own citizens or subjects. Where a revolutionary body destroys property of a foreigner, such foreigner has no claim against the government in cases where the citizen would have none. Where soldiers of the government wantonly destroy the property of a foreigner domiciled within its territory, such government is not liable for the loss where the spoliation occurred without the authority of the commanding general and against his express orders. The general principle is that neutral property in a belligerent territory shares the liability of property belonging to the citizens or subjects of the State.

The same commission which tried the El Triunfo Company case about the same time tried the Gelbtrunk case. In 1898 Maurice Gelbtrunk & Co., a partnership composed of Maurice and Isidor Gelbtrunk, both of whom were citizens of the United States, were engaged in mercantile business in Salvador. In November, 1898, a revolutionary force occupied the city where this firm did business, and seized and appropriated the goods of the firm. The arbitrators, Sir

Henry Strong, Don M. Dickinson, and José Rosa Pacas, who had been selected by the governments of the United States and Salvador, were of the unanimous opinion that the Republic of Salvador was not liable.[1]

The principle is equally well settled that it is the duty of every State to protect its citizens abroad. If a foreign State has despoiled such citizen of his property he has a claim against it for compensation. Every State is responsible for the acts of its rulers, which have been performed in an official capacity, whether such official belongs to the executive, legislative, judicial, or military branches of the government.[2]

This principle does not end here. There are cases where the acts of an unauthorized person were afterwards ratified by the government; and in such cases the government is liable in all respects the same as if it had originally conferred the authority. There is still another principle which sometimes extends the liability of the State for damages to foreigners. It often occurs that a revolutionary body seizes upon and usurps the functions of government for a time, and while thus intrenched in power commits acts of spoliation. The general principle is that the acts of the usurper are valid and binding upon the government which he administers. There is still a further view to take of this matter. *De facto* governments sometimes develop into governments *de jure*. This was the case with Venezuela. Castro was at first a revolutionary leader, and afterwards became the head of the State by military force, and later became president by vote of the people. When acts of spoliation took place at the hands of Castro's forces, or the forces which defended against him, it would become a question of considerable difficulty to determine when the government was or was not bound. Since Castro became not only the *de facto* but the *de jure* president of Venezuela, it becomes a question of some difficulty as to whether in such cases the government ought not to be held liable.

[1] Foreign Relations of the United States, pages 877 to 880.
[2] Ibid., page 847.

It is clear upon principle that the Andrade government bound Venezuela for all its acts of spoliation until the functions of government were administered by Castro.

Where revolutions are frequent, and where the vicissitudes of government are changeful and varied, it becomes a question of great difficulty to determine when and where the liability of the State begins and where it ends. Moreover, civilized nations will not view with complacency any anarchical conditions of government where the life, liberty, and property of their subjects and citizens are constantly menaced. They are liable at any time to intervene in the interests of civilization and in the interest of their subjects who are affected by these conditions. The German government has already taken advanced ground on these questions, and has announced that it reserves the right to intervene diplomatically for the protection of its subjects whenever it shall be deemed best to do so.[1] Great Britain on the other hand has not taken, as yet, so extreme a position. Count Von Bülow, in his speech in the Reichstag, which is quoted elsewhere, says: "It is a well-known principle of England's commercial policy that everybody investing capital abroad does so upon his own risk. We found ourselves in a dilemma, but nobody can reproach us with acting without sobriety and calmness."

The evident meaning of this is that the indisposition of Great Britain to push diplomatic intervention in Venezuela to the full extent which Germany had determined to do, became a source of embarrassment to the latter after the movement to coerce Venezuela began. This situation developed soon after the United States began its work of mediation. The general trend of public opinion in Europe is in favor of governments intervening diplomatically for the protection of their subjects who are doing business in South America and who have a commercial domicile there. This change of sentiment is brought about by the anarchical and revolutionary conditions there, as well as by the laws of

[1] Foreign Relations of the United States, page 844.

the Latin-American republics which discriminate so savagely against foreigners.

A recent magazine writer has given a graphic description of these conditions, which reads in part as follows:

"As one journeys towards South America one longs to believe that the Star of Liberty, like that of Bethlehem, leads the way, and that one will find our brethren to be animated by high ambitions and noble resolves, struggling upward like ourselves.

"This pleasant anticipation appears to be in a fair way towards realization when one picks up the constitution and laws of one of these countries, and reads the somewhat ornate, but sufficiently profuse, declarations in favor of liberty, justice, and equality. The Bill of Rights is scarcely shorter than the Moral Law, but the traveller soon learns that it is most apt to be vociferously preached from the house tops in those communities where anarchy and despotism reign supreme.

"The visions of constitutions, with their sacred guarantees of personal liberty, and of laws with their well-rounded periods of equity, soon fade away; and the observer finds in their stead the decrees of dictators and military despots.

"True, these decrees, by whatever military despot issued, are mostly interlarded with soul-inspiring protestations of undying patriotism, with references to the sacred will of the people, and with appeals to the Deity, in every form of canting phrase, in testimony of the purity of intention and spotless nobility of character of the promulgators.

"All this does not deceive the intelligent observer. He is not long on Latin-American soil when he discovers that he is outside the bounds of civilization. For every move he makes he must first obtain a passport from the military Jefe. Everywhere he goes he is confronted by a soldier or a policeman who demands his name and his business.

"If he sends a telegram he must first get the approval of the government censor. If he writes a letter, a hundred chances to one it is broken open and read by the postal authorities before it is sent. If he walks along the side-

walk he knows not what moment a soldier will bring him to halt with a 'Quien viva?' and a Mauser levelled at him, and an order that he walk in the street. He soon finds out that he himself is liable to be locked up in jail on any trivial pretext, or none at all. It does not matter what may be said of his social or business standing, if he makes protest at the acts of these tyrants he may be expelled from the country without redress, or incarcerated in a jail. If he appeals to the American Consul for aid, the chances are seven to one that the mouth of that dignitary has long been stopped by government concessions, or that he is an actual party to the intrigues. But our traveller has by this time only commenced his initiation. He has only learned what any intelligent man would certainly ascertain to be true within forty-eight hours after setting foot on the soil of any Latin-American country, with the exception of Mexico, Chile, and the Argentine Republic.

"It does not take the observer long to ascertain that there is not in any of these countries such a thing as a legally constituted government. The constitutions prescribe that elections shall be held at stated periods, and in a certain manner, for the election of the president and other officials of the government. But no elections are ever held.

"Occasionally a newspaper correspondent, some disciple of Mark Twain, as a huge joke writes about an election in Venezuela or Colombia, the same as he might about a sea serpent. But not within the memory of any living man has there been a real election in those countries.

"The constitutions of those countries provide how the members of the Legislatures and of Congress shall be elected, but not since they were separated from Spain has there been one single Congress or Legislature elected in the manner prescribed. An honest ballot and a fair count, such as we understand them, are so strange and foreign to these countries that in the wildest dreams of fancy no one of them ever imagined such a thing.

"One might have greater hope of success in attempting to explain the Australian ballot system to a Chinese peasant in the centre of Manchuria than to any of those people.

"The constitutions provide that the laws shall be passed by the legislatures of the several states, or by the Congress for the Federal Union. Yet ninety-five laws out of every hundred are edicts of the dictators, pure and simple; and no pretence is made that any legislative body ever read them, let alone passed them or engrossed them.

"Read the daily or weekly issues of the respective 'Gazeta Officials' of these countries, and you will see that they are almost wholly composed of laws in the shape of decretas of the dictator. It would appear that the respective dictators, and in this they all seem to be alike, spend their odd moments thinking up schemes for robbing the people, and keep their typewriters busy in formulating these into decretas, which their courts are obliged to interpret as law, and which in fact form the law, and the only law that there is.

"The constitutions describe how they may be amended, and their regulations are so precise and formal that a foreign jurist might be inclined to take them seriously. As a matter of fact, a dictator abolishes a constitution or amends it, or adopts a new one, with as little ceremony as he would use in ordering his breakfast. True, changes of this character are sometimes made by a so-called provisional Congress, but, as the members of such a body are always appointed by the dictator and selected to do his bidding, a little thing like amending the constitution or abolishing it, or making a new one, is such a trifling affair that it may be done almost any afternoon. Indeed, the constitution, in whole or in part, is suspended at the whim of the dictator, without consulting anybody, and whenever it suits his convenience.

"Having learned the novel and easy method by which laws are made and unmade, one will not be surprised to know that the methods of their interpretation and enforcement are no less unique. There are in these countries many able scholars and fine lawyers, who constitute the material for a creditable judiciary; but, unfortunately, even this department of the government is at the mercy of these brutal, ignorant, corrupt, vicious, and wholly intolerable despots.

"Lawyers of character and ability are not wanted as judges, and they would fear to accept such position if tendered to

them. In fact, the better element shuns politics as it would a pestilence.

"It may be asked whether the travesty on government herein described is not abnormal and temporary. The reply is that this condition of anarchy, for it is nothing else, is and has been the normal and ordinary condition of Venezuela and Colombia, and most of the other Latin-American countries, ever since Spain lost its dominion over them, with the exception of brief intervals when some dictator more powerful than the rest has succeeded by force of arms in maintaining his authority."[1]

This same writer discusses the ruling class as follows:

"It will not comprise more than ten per cent of the total population in any Latin-American country, but it makes all the trouble, is responsible for the rapine, bloodshed, murders, revolutions, and anarchy which have so long disgraced Latin-America. This class, as a rule, represents a mixture of Spanish and Indian blood, oftentimes with a sprinkling of negro, and sometimes of other elements.

"He who originated the formula for the composition of this class must have laughed grimly when he finished his work; for one might study chemistry for a thousand years without being able to devise such an atrocious composition.

"It is true that a small number of good men are always to be found in this class. Why, no one knows, unless it be for the same reason that leads a good woman to carry bouquets of flowers to a brutal murderer.

"Occasionally an able lawyer, or a good doctor, or a responsible business man becomes ambitious to hold office, infatuated with the glamour of politics, or falls in love with the music of the drums or the clash of the swords, and he joins this class, much to the consternation of his friends as well as of his enemies. As a rule, this class is composed of adventurers, ambitious and unprincipled military men, many outright criminals, others whose lives have been devoted to intrigue and to the machinations for which these countries are noted; and, taken altogether, it is the most

[1] North American Review, Vol. CLXXVI, page 518.

aggressive, pretentious, good-for-nothing, nondescript, villainous, treacherous set of semi-banditti which was ever organized on the face of the earth, held together by the cohesive power of public plunder, and by the ambition to tyrannize over others. It is of this class that the so-called 'governments' of these countries are formed. One faction of it is always in power, looting the public funds, living in Oriental splendor off the forced contributions from foreign merchants, or off the receipts of custom-houses, running things generally in that high and mighty way which only a Latin-American can emulate, while the other faction is trying to get into power, so that it may have the good things; and there is where the revolutions originate.

"There is not enough for all. Foreign merchants have been plucked until they have become few in number. Great foreign syndicates under Guzman Blanco loaned millions to the government, nearly all of it to be stolen by corrupt officials; and they invested other millions in railroads and other enterprises, most of which have been ruined or confiscated by one military despot or another. Now the influx of foreign capital is small, and the pie for these dictators contains so few plums that it behooves them to fight royally over what there are.

"The outrages which are committed by the faction of this fourth class which is in power, and concurrently by the faction which is out of power and consequently in revolution, cannot be properly described within the limits of a magazine article.

"It must suffice to say that no foreign house or company doing business in one of these countries has ever been able to escape destruction unless continuously backed by its government, and that in most cases heretofore that has been unavailing.

"In every case, without exception, the foreigner has been systematically looted and robbed by the officials of the government, and their political henchmen.

"Usually he has been ruined financially in the end, and often he has lost his liberty and his life, and always without redress. South America, from one end to the other,

is strewn with the wrecks of American and European investments."

. . . . . .

"Prophetic appear to have been the words of the great Bolivar near the end of his long and marvellous career. He learned three-quarters of a century ago what our North American officials seem never to have learned; and that is that the people of Latin-America are helplessly and hopelessly incapable of self-government. He said:

"'In America there is no such thing as good faith, neither among nations nor among men. Our constitutions are books, our laws are papers, our elections are combats, and life itself is a torment. We shall arrive at such a state that there is no foreign nation which will condescend to return and conquer us, and we shall be governed by petty tyrants.'

"There is no passage in Holy Writ containing a truer prophecy than these memorable words of Bolivar."[1]

The condition of things described by this writer shows that the greater number of the Latin-American republics are in a condition of anarchy and incapable of protecting the rights of any one, much less the rights of foreigners.

In view of the fact that anarchy and not law is the rule, it requires no gifts of prophecy to say that the nations of the civilized world will not tolerate such legislation and such conditions. The foreign subjects may yield a certain degree of obedience to these laws, but their governments will be the judges of the fairness and impartiality with which justice is administered. The plain duty of the United States is to discourage the enactment and enforcement of drastic and inimical laws against foreigners. The very expression of these laws on their face carries with them an intimation that it is not justice but injustice which the judicial branch of the government is expected to mete out to foreigners. The government of the United States cannot afford to permit the Latin-American republics to attach the Calvo supplement to the Monroe Doctrine. The United States has

[1] North American Review, Vol. CLXXVI, page 518.

always been friendly to foreigners, and has from the foundation of the republic encouraged foreign immigration, and stands for fair play and kind treatment of foreigners by the Latin-American republics.

These statutes against foreigners are declarations of war against civilization. The original European settlers in Spanish-America have largely assimilated to the aborigines and the imported Africans, and they have produced a form of semi-barbarism which now turns to assail North American and European civilization through the operation of statutes which are to be enforced through the most improved system of anarchy, which will retain foreigners within their dominions long enough to rob them of the acquisitions of a lifetime, but not so drastic as to prevent others from coming in to be plundered and turned loose upon the world penniless.

International law furnishes the rules for the determination of questions arising where a civil war is being waged, but it furnishes no satisfactory solution of the rights of the parties where anarchy is the rule, and law and order is the exception. All the complicated questions arising from a condition of anarchy are now beginning to be thrust upon the attention of the government of the United States through the complaints of European powers. Much depends on our correct solution of them.

In February, 1904, The Hague Tribunal rendered its decision in the contention between Great Britain and Germany on the one hand and Venezuela on the other. The proposition had been made by Venezuela to the allies that if they would raise the blockade of the Venezuelan ports thirty per cent of the collections on imports would be applied to the payment of Venezuela's foreign creditors.

Great Britain and Germany proposed that if they were made preferred creditors they would accept the proposition. This proposal for a preference was declined. An agreement was thereupon entered into, among other things, to refer this claim to a preference to The Hague Tribunal, which ren-

dered its decision sustaining the claim for a preference. The tribunal in deciding this case has taken the position that where a government has gone so far in the protection of its citizens or subjects as to exercise its police power by the seizure of ports of entry for the purpose of the sequestration of the import revenues, a preference over other creditors has thereby been conferred. The effect of this decision will be an incentive to war by European governments against the Latin-American republics, and in this respect The Hague Tribunal may become a court for the promotion of war rather than of peace.

This decision will become a precedent to be followed in similar cases. While the decision was no doubt sound upon the peculiar facts of that particular case, yet it should be distinguished from all future cases of the exercise of the police power by a government on behalf of its subjects against a debtor nation. Venezuela was not a signatory of The Hague treaty originally, nor did she become such by reason of the convention at the City of Mexico of October 22, 1901. As stated elsewhere, Venezuela withdrew its delegation from this conference on January 14, 1902, making the withdrawal retroactive to and from December, 1901.[1]

It may be assumed with propriety that at the time the allies blockaded the ports of Venezuela The Hague treaty had not become obligatory upon the parties to that controversy because Venezuela had not signed it. It may also be assumed that as The Hague Convention was still in its formative state, the provisions of the treaty had not as yet acquired the force and effect of international law. Article II of this treaty provides that the parties to it, in case of serious disagreement, shall have recourse to the good offices or mediation of one or more friendly powers before there is any appeal to arms.

Among signatories to The Hague treaty it would appear to be the better principle to hold that no preferences could

[1] Senate Document 330. Report of Second International Conference of American States, page 11.

be granted to powers which had appealed to arms before they had first exhausted their remedies by recourse to mediation. If the adoption of The Hague treaty has now become so general as to make it a part of the international law the rule should be the same as in case where both parties were signatories of the treaty. By distinguishing future cases from the one referred to on the grounds above indicated, a long stride will be taken in the interest of peace.

Since The Hague treaty will henceforth become a part of international law by reason of the practical universality of its adoption, the proper construction to give it would be that no creditor nation can gain any preference by hostile demonstrations without first complying with the provisions of Article II of the treaty, which requires a resort to the peaceful methods of mediation and an exhaustion of this means of settlement before recourse to war.

The decision of The Hague Tribunal in giving a preference as stated, ought not to be followed as a precedent in future cases, as the law applicable to the future cases will be different because of the fact that The Hague treaty will henceforth, on well established principles, become a part of international law. It would contravene the international public policy of the future to confer rights on belligerents who had acted in disregard of the plain provisions of law in acquiring such claims to preference. The difference between the two methods of procedure is as widely different as it would be in cases where one creditor steals the debtor's property and credits its value upon the debt, and another creditor obtains a judgment against the debtor and causes the property to be regularly levied on and sold, and purchased at execution sale by the creditor.

A strict compliance with Article II of The Hague treaty must be made a condition precedent to any right of preference.

It would be a constant menace to the United States, in the assertion and maintenance of its traditional foreign policy, to recognize the right to a preference by a creditor nation which, without first resorting to mediation, had had recourse to war.

The philanthropic sentiments of mankind, the aspirations of men everywhere would be disappointed and defeated by permitting such preferences in violation of this new international public policy, which has been inaugurated by The Hague treaty.

CHAPTER XXVIII

MONROE AND CALVO COMBINED

THE failure of the Panama Congress to agree and unite upon a policy for the Western Hemisphere which would be binding upon all the republics left the United States of America to maintain the Monroe Doctrine alone.

The Southern republics have been the beneficiaries of our peculiar system, while there is no policy of a reciprocal character which has been adopted by any of them.

In case this government should become involved in war with one or more European powers in defending one of the Southern republics from conquest by a European nation, there is nothing in the existing treaties between this government and the Southern republics which would make it incumbent on them or either of them to aid this government in its defence of the republic which is threatened with overthrow.

There is nothing in the declared policies of the Southern republics of a traditional or legislative character or otherwise, which would give the United States the assurance that any one or more of these republics would in any manner contribute any material aid or support to the United States in carrying on a war which had for its object the preservation of any republic from overthrow, and to prevent the erection of a monarchy upon its ruins.

When the Panama Congress was originally determined upon by Simon Bolivar, it was his purpose to form the republics which had secured their independence of Spain into one confederation, of which he was to be the head. Bolivar originally only invited the Spanish-American republics to be represented at the Panama Congress. Santander, his vice-president, and at the time acting-president of Colombia, extended the invita-

tion to the United States to send delegates. Coming as it did so soon after the Monroe declaration, John Quincy Adams and Henry Clay seized upon the opportunity to attempt to have a secret treaty formed among all the republics of this hemisphere, which would commit them one and all to the Monroe Doctrine.

The letter of Mr. Clay to Mr. Poinsett, our Minister to Mexico, seemed to be proof positive of Mr. Clay's purposes. Mr. Clay, as has been shown, explained that the pledge that Monroe made in his declaration was not a pledge to Mexico, but a pledge that this government made to itself. Adams and Clay both made disclaimers of any intention to form any alliances with the Spanish republics against European aggression. The bitter opponents of these statesmen heard their explanations with at least apparent incredulity. The explanation of Mr. Clay was unique ; nevertheless it has ruled and governed this country in its foreign policy from that day to this.

When we look back over the years that have intervened since the Panama Congress, it appears to be almost a providential deliverance that this country should have escaped making a direct league, offensive and defensive, with the Latin-American republics at Panama, as was contemplated by the friends of the measure. Without arguing the question it must appear obvious that no advantages could have accrued to this government from such a union.

Aside from the West Indies and British America there is little or nothing to which the Monroe Doctrine could apply, except to the Latin-American republics. If British America ever becomes separated from Great Britain, it will control its own destiny, without regard to any policy of this government.

If the matter of coaling and supply stations can be settled by a revision of the principles of international law, there will then practically be nothing left for the Monroe Doctrine to operate upon, except the Latin-American republics. They will really be its sole beneficiaries. Their frequent revolutions, which result in the destruction of private property within their borders belonging to European merchants and capitalists ; their frequent

blockades against the commerce of the world; their frequent defaults in the payment of the interest on their public debts; the outrages that are committed upon Europeans in times of insurrection and rebellion, all conspire to class the Monroe Doctrine risks as hazardous for this government.

American publicists contend that the enforcement of the Monroe Doctrine does not amount to a protectorate; while this is technically true, it is at least a form of protection to these republics resulting from a policy which has for its sole object the protection, preservation, and future well-being of the republic of the United States against monarchial influences, which may, in fact, be much more beneficial in their effects than the conditions of anarchy and revolution which are so frequent among the Latin-American republics.

The time has arrived when these republics should adopt the Monroe Doctrine each for itself, and all for themselves collectively when the occasion shall demand it. They should not leave this government to fight for constitutional liberty in this hemisphere, single-handed and alone. The protection which this government would receive by overthrowing a European monarchy which may at some future time be erected on the ruins of one of these distant republics, where anarchy and military despotism alternate, would be in the highest degree problematical. The interest of this country might be opposed to such a policy in many instances. It is self-evident that if the Monroe Doctrine is a good policy for the United States to pursue, it is, for still more cogent reasons, a good policy for the Latin-American republics to adopt.

We now turn from this condition of isolation of the United States in respect to its traditional foreign policy to consider the manner in which the Calvo Doctrine is growing up as a parasite upon the Monroe Doctrine.

A convention was signed at the City of Mexico on January 29, 1902, at the Second International Conference of American States, by the Argentine Republic, Bolivia, Colombia, Costa Rica, Chile, Dominican Republic, Ecuador, Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, and

Uruguay. The convention recites the fact that the delegates were duly authorized to sign and bind their respective governments with the exception of the United States, Nicaragua, and Paraguay. The two latter signed the convention, but the delegates from the United States did not. The material portion of this convention reads as follows:

"First: Aliens shall enjoy all civil rights pertaining to citizens, and make use thereof in the substance, form or procedure, and in the recourses which result therefrom, under exactly the same terms as the said citizens, except as may be otherwise provided by the Constitution of each country.

"Second: The States do not owe to, nor recognize in favor of foreigners, any obligations or responsibilities other than those established by their Constitutions and laws in favor of their citizens.

"Therefore, the States are not responsible for damages sustained by aliens through acts of rebels or individuals and in general, for damages originating from fortuitous causes of any kind, considering as such the acts of war whether civil or national; except in the case of failure on the part of the constituted authorities to comply with their duties.

"Third: Whenever an alien shall have claims or complaints of a civil, criminal or administrative order against a State, or its citizens, he shall present his claims to a competent Court of the country, and such claims shall not be made, through diplomatic channels, except in the cases where there shall have been on the part of the Court, a manifest denial of justice, or unusual delay, or evident violation of the principles of international law."[1]

The republics which signed the foregoing convention, together with the United States, signed another convention on January 27, 1902, for the formation of Codes on Public and Private International Law. It provided that "the Secretary of State of the United States and the Ministers of the American Republics, accredited in Washington, shall appoint a com-

[1] Report of Second International Conference of American States, Senate Document 330, pages 203, 204, 228.

mittee of five American and two European jurists to draft a Code of Public International Law and another of Private International Law." [1]

It will be seen that if the United States should be fortunate enough to be represented on this committee, the disciples of Calvo would still be in the majority and the majority of the committee would report a code of public and private international law which would embrace the Doctrine of Calvo, with all its deductions and corollaries.

Another convention was signed on January 29, 1902, by the United States and other republics heretofore named, providing for a Third International Conference to meet within five years at the call of the same parties, who were to prepare codes of public and private international law. Article III of the Convention for the preparation of the Codes required that these Codes should be submitted to the respective governments and to the next American International Conference.

When the fragments are thus gathered together, we find that a system of international law is to be adopted, at least by this hemisphere, which shall embrace all the doctrines of Calvo. The entire scheme is so formed that his doctrines cannot escape adoption if majorities rule. The four Latin-Americans would out-vote the two Europeans, and the one citizen of the United States. Here is a complete system outlined fraternally and unostentatiously which would cause the most distinguished Oriental diplomat to blush for his own inferiority. It frees the United States from some of its illusions on the subject of American conferences, and American tribunals of arbitration. No American international tribunal could be convened which would render its awards in harmony with the public policy of the United States.

The Calvo Doctrine will furnish the cause for all or nearly all the wars and diplomatic controversies between Latin-American and European powers, while the United States is expected to defend it singly and alone, with its army and navy,

[1] Report of Second International Conference of American States, Senate Document 330, pages 203, 204, 228.

and by means of its diplomacy. In other words, the United States is expected to fight all the battles for both doctrines. These two doctrines have no relation nor connection with each other, and cannot have any connection unless the United States should adopt the Calvo Doctrine.

The alternative is presented to the United States to adopt one course or the other. The course of this government in the recent Venezuelan episode as well as in respect to certain controversies between European powers and Salvador and Nicaragua has left the question unsettled as to what course the United States would adopt. There appears, however, as yet to have been no formal declaration of this government in opposition to the Calvo Doctrine.

This government cannot adopt Calvo's supplement to the Monroe Doctrine. The two are antagonistic and can never be united into any American system. The United States will continue to oppose absolutism, but it cannot unite with Latin-America in any crusade against civilization. The "sick man of Europe" will never get well until the Bible supplants the Koran in Turkey. The sick man of Latin-America will never be restored to health until that country acquires a civilization equal in degree and stability to that of Europe, and a mode of dealing with the race problem which is as efficacious as that which is enforced by the people in the southern part of the United States.

The principle announced by Calvo that the public law of the American nations does not admit of any intervention on the part of foreign nations is unsound. It contravenes international law, and assumes indirectly to abrogate the sovereignty of foreign nations in respect to their citizens and subjects.

The Monroe and Calvo Doctrines cannot be combined in any American system. The fact should be made known by the United States to the European powers that it does not indorse the Calvo heresy.

CHAPTER XXIX

GERMANY, GREAT BRITAIN, ITALY, VENEZUELA

FROM the time when Eros threw the golden apple inscribed "To the fairest" among the Olympian beauties, down to December 14, 1902, when the British and German navy bombarded Puerto Cabello, Venezuela, the causes of war have been as various and preposterous as have been the causes of difficulties among individuals.

International law does not define with precision what is to be considered a justifiable cause of war, nor does it define satisfactorily what would be an unjustifiable one. It has created a tribunal, however, which must necessarily pass upon such questions upon principles similar to the principles of the common law. Among the just causes of war, Vattel enumerates the right "to recover what belongs to us, or is due to us."[1]

It can fairly be presumed that the right of one nation to demand and enforce the payment from other nations of debts owed by them to the subjects of such nation, will be maintained, although eminent statesmen and diplomatists have differed on this subject.[2]

The European constable has made his appearance twice among the Latin-American republics of this hemisphere for the avowed purpose of collecting the stale claims of private individuals. Each time this constable has had a posse comitatus, embracing more than half the navies and armies of Europe. The posse comitatus of 1902–03 was composed of the armies and navies of Great Britain, Germany, and Italy. The rumor was current that nearly all of the balance of Europe was lying in ambush waiting for the word of command to join. The

[1] Vattel's "Law of Nations," Chitty's edition, page 303.

[2] North American Review, Vol. CLXXVII, Number 6, pages 810, 811.

first appearance of the European constable in this hemisphere was in 1861, when the United States was in the throes of a stupendous civil war. The armies and navies of Great Britain, France, and Spain composed the posse comitatus to aid in sequestering the customs dues at Tampico, Vera Cruz, and other gulf ports of Mexico. Great Britain and Spain withdrew upon certain assurances by the Mexican government, while France remained and overthrew the republic and created an empire with a Hapsburg on the throne of Mexico.

Venezuela was in the throes of a revolution, in which she had fought and won the last decisive battle, when the European constable suddenly appeared with his posse comitatus and bombarded Puerto Cabello and San Carlos and blockaded her ports. It was a strange spectacle for Americans to behold, a European constable surrounded with such naval and military pomp, to protect him when he went to levy on Venezuela.

This second advent of the European constable was not heralded like other great events of such magnitude. It came as a surprise. One of the great surprises was that these three great naval powers of Europe felt it incumbent on them to send so large a fleet of ironclad vessels, when it was known that Venezuela had no navy. She had but three or four small vessels, the most valuable of which was a pleasure yacht, which Castro had purchased from a citizen of New York, and on which one or two small guns had been placed. This yacht had been kept tied to the shore at La Guayra for several months to enable Castro to escape, in case the tide of success should turn against him.

The United States was seriously engaged at the time in negotiating a treaty with Colombia for a lease to enable the government to commence at once the construction of the Panama Canal. This European combination has impressed the people with the idea that the collection of debts was a mere cover and a subterfuge for an indirect assault upon the Monroe Doctrine, and with a view also of postponing and ultimately defeating the United States in the construction of the canal. In this attack on Venezuela, the people of the United

States found history repeating itself, and when they compared the expressions of the European press with the protestations of European governments, they found themselves unable to draw any satisfactory distinction between diplomacy and prevarication.

The allies attacked Venezuela when she was occupied to the full extent of her power and limited resources. They not only did this, but they blockaded the Venezuelan ports as soon as a substantial and decisive victory had been achieved by the government over the insurgents, thus leading to the presumption that they were aiding the revolutionists. Castro had charged that they were aiding the revolutionists, and among other things, he referred to the seizure by Great Britain of the island of Patos as an evidence, claiming that the revolutionists had sold the island to Great Britain for means to carry on the revolution.

This great naval demonstration by the allies may not have been so exclusively directed against the United States as the face of the transaction seems to indicate. It might have been directed in part against all the republics of South America. All these republics have a uniform public policy which is discussed elsewhere; which denies the right of armed intervention to collect a public debt.

The following statement, which was given out March 11, 1903, to the public press at the legation of the Argentine Republic at Washington, D.C., tends to show the position of Argentina upon the right of European nations to enforce immediate payment by armed intervention, as well as her position upon the Monroe Doctrine itself:

"Recent publications referring to the note of instructions sent by the Argentine Government to its Minister in Washington, Dr. Garcia Merou, in regard to some of the features of the Venezuelan incident, give the erroneous impression that Argentine asked for an alliance with the United States, and that its proposal was rejected by the Secretary of State.

"In fact, the dispatch of Dr. Drago, Minister of Foreign Relations of the Argentine Republic, aimed only to explain to

his diplomatic agent in Washington the views of his home Government relative to the coercive collection of public debts of American states by European nations, and instructed him to convey his views to Secretary Hay, expressing his hope that the doctrine of international public law set forth by the Argentine Government should prove acceptable to the United States.

"Dr. Drago says: 'Taking into consideration the real character of many of the obligations contracted by the Governments of the minor South American republics, the Argentine Government has felt that there is great danger to the peace of the continent if the compulsory demand of immediate payment of public debts, or national obligations, is to be accepted in silence, without discrimination, as a right of the stronger Powers of Europe to control and dominate the weaker and struggling states of Central and South America.

"'The compulsory and immediate demand for payment at a given moment of a public debt by means of force would not produce other than the ruin of the weaker nations and the absorption of their Government altogether, with all its inherent faculties, by the powerful nations of the earth.

"'We do not pretend, neither can we pretend,' he says, 'that these nations shall occupy an exceptional position in their relations with the European Powers, who have the undoubted right to protect their subjects as amply as in any other part of the globe against persecution or from any injustice they have been made victims of.

"'The only thing that the Argentine Republic maintains is the principle already accepted, that there cannot be European territorial expansion in, nor oppression of the people of this continent, because their unfortunate financial condition might oblige one of them to put off the fulfilment of its obligations.

"'The principle which we maintain is that a public debt cannot give rise to an armed intervention, and much less to the territorial occupation of the soil of American nations by any European Power.'"

Complying with his instructions, Minister Merou left a copy of the communication received from his Minister of Foreign Relations with the Secretary of State. In his reply Mr. Hay

did not express assent or dissent to the doctrine of public law set forth in the note. He cited to the minister the messages of the president of December 13, 1901, and December 2, 1902. Secretary Hay stated further that, advocating and adhering in practice, in questions concerning itself, to the resort of international arbitration in settlement of controversies not adjustable by the orderly treatment of diplomatic negotiation, the Government of the United States would always be glad to see the questions of the justice of claims by one State against another growing out of individual wrongs or national obligations, as well as the guarantees for the execution of whatever award may be made, left to the decision of an impartial arbitration tribunal, before which the litigant nations, weak and strong alike, may stand as equals in the eye of international law and mutual duty.

The mediation of the United States arises as the good offices of a friendly power under the provisions of Articles I, II, III, IV, V, and VI of The Hague treaty of July 29, 1899. Under the old principles of international law, this form of friendly mediation and intercession would not have been tolerated to the extent which is now authorized by this treaty.

The Monroe Doctrine stage of the correspondence between the United States on the one hand, and Great Britain, Germany, and Italy on the other, in respect to Venezuela, has never taken place. There is a total misconception by a majority of the people concerning the nature of the correspondence between this government and Great Britain, Germany, and Italy. It is popularly understood that this government was engaged in asserting the Monroe Doctrine, instead of coming in as a friend of both parties, and especially of Venezuela, as it is permitted to do under the provisions of The Hague treaty.

It would be premature for this government to take up a discussion of our foreign policy until it had been infringed upon by the other powers. Whenever it is thus infringed upon by the overthrow of a republic and the substitution of a European monarchy in its stead, it then becomes very much a matter of discretion and convenience on the part of this

government as to the time and mode of taking up the subject with the offending governments.

The French and Austrians held Mexico for about six years. Maximilian had occupied the throne of Mexico as emperor for about a year and a half before the diplomatic correspondence began in which it was pointed out that the United States had a policy which was opposed to such a monarchy. This correspondence lasted about two years before it reached such an acute stage as to leave no alternative but the evacuation of Mexico or war. The United States was so preoccupied with its own domestic troubles that it could not with propriety or safety take up a discussion of its foreign policy until the autumn of 1865.

The government is entering upon the construction of the Panama Canal, and in case its foreign policy is infringed upon by any European nation, it would then become purely a question of expediency with this government as to whether it would at once take up the subject with such offending nation, or whether it would defer the matter until after the completion of the canal.

Germany and Great Britain and Italy agreed to arbitrate their differences with Venezuela before The Hague Tribunal, and the apprehensions of difficulty from this source happily passed away. The Monroe Doctrine feature of this controversy, therefore, was never reached.

The relations between Germany and the United States since the Spanish War have year by year become more and more strained. The German press and the German chancellor are responsible for this more than any other agencies.

For savage assaults upon America and Americans, the world has furnished no parallel to the press of Germany. On the other hand, when the German government speaks, it is in tones of kindness and of seemingly heartfelt consideration. The result of these strained relations has been to cause the Americans to imagine and charge all sorts of things against Germany, without any adequate proof of their truthfulness. The charges are numerous and may be epitomized thus: that

Germany desired and proposed to unite with Spain against us in 1898; that Germany interfered and induced the Landsthing of Denmark to reject the treaty between this government and Denmark, whereby the Danish West Indian Islands were to be ceded to the United States; that Germany interfered to give us trouble with Colombia in concluding a treaty whereby we could construct the Panama Canal. It is also said that our naval officers are compelled to take unusual precautions to keep American and German marines from fighting when they land in proximity to each other. The final charge is that the recent assault upon Venezuela was upon Germany's initiative, and that her real purpose was to subjugate Venezuela, overthrow the republic, plant the German Empire upon its ruins, and thus defy the United States and destroy the Monroe Doctrine.

To the American mind, when viewed in connection with the situation in southern Brazil, the planting of a German colony on the shores of the Caribbean Sea would appear to evince a purpose on the part of Germany to one day rule the continent of South America. The reaction of such a policy would work disastrously for Germany in this hemisphere. It would kill the goose which is laying the golden eggs for her in southern Brazil. If reciprocally friendly relations are continued with Germany, and if confidence in her purpose to make no assault upon our foreign policy is restored, she may some day be able to market those eggs south of the equator, but they would become addled the moment they were carried across it.

Great Britain is the author of the Monroe declaration. She outstripped all the nations of Europe in the race for commercial and maritime supremacy, as a consequence of such a policy. Her vast possessions in this hemisphere make it to her interest at least to let the Monroe Doctrine alone. The other European powers could not be interested to any great extent in overthrowing our foreign policy. A revision of the principles of international law in respect to coaling and supply stations and other matters would benefit them far more than

the abrogation of our foreign policy, the benefits of which, if any, would be appropriated by Great Britain and Germany.

The mediation negotiations on the part of the United States on behalf of Venezuela were carried on by Mr. Bowen, our minister to Venezuela, with Great Britain, Germany, and Italy. After these negotiations began, Mr. Bowen left Caracas and went to Washington, where the further negotiations were carried on. Offers by the allies were made to submit their controversies with Venezuela to arbitration by President Roosevelt. A vigorous protest from all parts of the country against such a measure was made, and Mr. Roosevelt declined. Thereupon it was agreed that the controversy should be left to The Hague Tribunal for arbitration and settlement. When this point had been reached, the question of raising the blockade came up. It was contended by the allies that the blockade of the Venezuelan ports should not be raised until they had security for the payment of whatever might be awarded by The Hague Tribunal.

President Castro of Venezuela offered thirty per cent of the customs dues to the creditor nations, without any preference. The allies claimed a preference in this thirty per cent, and finally abated their claim to twenty per cent preference, which was refused. Thereupon negotiations sprang up proposing on the part of Venezuela a submission of this right to a preference to The Hague Tribunal. Objections were raised, and Germany asserted that a matter of national honor was involved. Mr. Bowen, in keeping with the American method of diplomacy, was direct, pointed, and outspoken, — in striking contrast to the insidious and oblique diplomacy of oriental nations with which Europe had been accustomed to come in contact.

This resulted in a demand by the allies that the negotiations in the future should be carried on directly with President Roosevelt. This was declined.

Negotiations continued, however, and on February 10, 1903, Great Britain and Italy signed the protocol, referring the matter of preferences to The Hague Tribunal. Germany deliberated still further, and finally assented to the same

course, upon the payment of $340,000 of her demands, within a brief period. On February 13, 1903, the three allies signed a joint protocol with Venezuela and the blockade of Venezuelan ports was raised the next day. Thus terminated what seemed to be one of the most stupendous assaults upon the Monroe Doctrine which has yet taken place, with the exception of the similar debt-collecting expedition which placed Maximilian on the throne of Mexico.

Germany should extend to America and Americans the same friendship and sympathy which we have always extended to her emigrants who have identified their lives and fortunes with us. Commercial rivalries should not embarrass our friendly relations. Germany has become insane on the subject of the Monroe Doctrine. She overlooks a critical period in her own history when the Balance of Power System, which is the Monroe Doctrine of Europe, saved her from being converted into a province of France. Prussia lay prostrate at the feet of Napoleon after the battle of Königsberg, and subsequently was carved up like a Thanksgiving turkey by Napoleon and Alexander at the peace of Tilsit.

Bismarck was the constant and unwavering friend of the United States. No discord was permitted by him to exist between the two nations. The present Emperor of Germany seems disposed to sustain the Bismarckian policy, but the press of Germany has been fomenting discord among the people. No nation can be great and powerful by hating the United States, and much bad luck can be averted by a sympathetic and friendly policy of conciliation and good-will. It is to be hoped that the friendship of Germany for the United States did not die with Bismarck. It is true that Bismarck stigmatized the Monroe Doctrine as "an international impertinence." He had taken the mistaken view that it was a fungus growth upon American institutions and that American statesmen should apply the knife and eradicate it. He did not understand that it was one of the foundation stones on which the republic was constructed. He had not studied the question far enough to know that our foreign policy was

a condition, and not a sentiment or a theory. He had never lived under republican rule to enable him to see clearly the distinction between the voice of an absolute monarch and the voice of the people. A monarch speaks and the work is done. A servant of the people speaks for them, and if he fails to express their views he is repudiated.

Hence it results that even if Germany or several European nations in concert should obtain a temporary triumph over the United States, either in war or diplomacy, whereby the Monroe Doctrine was ignored in whole or in part, it would only result in such a reaction in the United States that sooner or later all advantages which had been gained by European nations would have to be surrendered. Since acquisitions contrary to our foreign policy could not be retained, it is useless to acquire them. Any nation which squanders its energy and enterprise in attempting to break down our foreign policy is simply engaged in sowing the wind to reap many successive harvests of the whirlwind.

The sudden change by the Germans from friendship to hatred of Americans is something phenomenal. Bismarck had no sooner passed off the stage of action than it was found that American pork was making the Germans sick, while it was very healthful and digestible in other parts of Europe. Germany began to build a great navy, and as the navy grew in strength and power, the hatred for Americans grew in the same ratio. When the United States became involved in the war with Spain, Germany showed a strong disposition to take part against us. This Venezuelan affair is looked upon as but another step in these hostile proceedings. The enlargement of the German navy goes steadily on, notwithstanding The Hague treaty and Tribunal, which was to reduce the armies and navies of Europe by substituting peaceful settlements of international controversies. Moreover, Germany is at peace with Europe, and the presumption is that this great navy is being constructed for service in a conflict with the United States. It is not being built to become antiquated, and rust and rot upon the sea.

About the time the Venezuelan blockade was raised, Ernest von Wildenbruch, Emperor William's favorite contemporary poet, and sometimes for that reason called the court poet, wrote an article on Germany and the Monroe Doctrine, in which he said "it was clearly in line with Germany's interest and policy to join the United States in maintaining the Doctrine, and expressed the hope that the United States would extend its authority over all Latin America."

Immediately following the raising of the Venezuelan blockade, an American newspaper correspondent interviewed certain directors of the Deutsche and Disconto Banks at Berlin, as well as a number of large exporters, and found them in favor of the recognition of the Monroe Doctrine by Germany. He interviewed leading professors in the German universities, and German politicians and statesmen and found that they were opposed to the views expressed by the bankers and exporters.

On March 13, 1903, the American correspondent at Berlin cabled to the United States the following despatch:

"German naval experts declare that the proposed increase of Uncle Sam's sea strength is a much more serious matter for Germany than the establishment of a naval station on the east coast of England. This view is shared by the officials of the navy department, who cannot conceal from themselves the fact that America's enlarged naval programme is chiefly the result of the disappointing Venezuelan expedition. No authority is permitted to discuss the subject for publication, and there is a complete absence of comment in the press in obedience to official wishes. A prominent naval strategist in close touch with official opinion said to-day: 'Germany's danger from the United States lies not in the expansion of the American fleet, but in the popular sentiment which has brought about that expansion. We contemplate a powerful American navy with alarm because of the uses to which popular feeling may at any hour compel it to be put. Recent history has convinced Germany that no matter how cordial the relations between Washington and Berlin, the real factor in the situation is American public opinion. How to reckon with certainty on that uncontrollable and capricious element fills us with concern.'"

On February 16, 1903, "The Westminster Gazette," in an editorial, pointed out that Germany had lost far more than she had gained in the Venezuelan matter. The paper said:

"The chief result of the Venezuelan affair is that the Monroe Doctrine emerges with immensely increased authority. Germany has her £68,000, but she has been made a party to a principle which she would willingly have spent a hundred times £68,000 in resisting, for she has accepted the American veto to her landing troops or taking territorial guarantees. There must be irony for German statesmen in the reflection that their eagerness to figure among the creditors of this insignificant little State should have entailed consequences so entirely beyond their calculations."

On February 17, 1903, just three days after the Venezuelan blockade was raised, Parliament opened with an address from the throne by King Edward, who said:

"My Lords and Gentlemen:

"My relations with all the foreign powers continue friendly. The blockade of the Venezuelan ports has led to negotiations for the adjustment of all the matters in dispute. I rejoice that a settlement has now been arrived at which has justified the blockading powers in bringing all hostile naval operations to an immediate close."

Nothing more was said by the king bearing upon the Venezuelan affair. When the king's speech was read in the House of Commons on the same day, Sir Henry Campbell-Bannerman, the Liberal leader, said:

"In Venezuela the cloud had happily passed, but it was a black cloud, and one which many people thought might have been avoided. It might have had dangerous consequences, and it was the duty of the country to inquire how it had been led into such a difficulty."

Sir Henry commented on the fact that Germany was not mentioned in the king's speech in connection with Venezuela. He said "there were people in this country who were of the

opinion that Great Britain should not associate with Germany under any circumstances, but he did not sympathize with that view, although he admitted there had been much abuse and slander of this country in the German press. The speaker was opposed to co-operation with Germany in a matter like the Venezuelan imbroglio. Germany was strong, but rough. Germany also was not favorable to the Monroe Doctrine. If there had ever been a case for arbitration, the Venezuelan affair was one, and if this course had been adopted in the first place a great precedent would have been established towards the peaceful settlement of the international questions."

The most significant demonstrations took place in the House of Lords on the same day, in which Earl Spencer, the Liberal leader, and the Duke of Devonshire, the Government leader of the House of Lords, voiced the sentiments of themselves and presumably of their parties and constituents. Earl Spencer said that "after reading the blue book on Venezuela he could only express surprise at the fact that a demand for the reference of this business dispute to The Hague Court had not been pressed much earlier. However, the speaker rejoiced exceedingly that the dispute, which, arising from just ground, was petty and might have imperilled Great Britain's good relations with the United States, was now passing away, and he trusted that the final settlement would tend to establish good relations between England, America, and Germany."

The Duke of Devonshire, in behalf of the government, speaking at considerable length on the Venezuelan affair, dwelt on the possibility of a future difficulty between Venezuela and the powers which were concerned in the question, as Venezuela at present apparently had no settled government. He trusted, however, that the result of the reference to arbitration would be satisfactory, and pointed out that the negotiations involved an element of risk, and the fact that they had been brought to the present stage reflected credit on those in charge of them.

Continuing, the Duke of Devonshire said that "Great Britain accepted the Monroe Doctrine unreservedly, but to have abstained from enforcing claims which she believed to be just

and essential to her honor would be to make the Monroe Doctrine an object of dislike for every civilized power."

The words of the Duke of Devonshire that "Great Britain accepts the Monroe Doctrine unreservedly" are direct and emphatic, and, no doubt, he has stated Great Britain's position correctly. This is in striking contrast with the declaration of Lord Salisbury in his note to Mr. Olney on the Venezuelan boundary question, made about eight years previously.

The comments of the English press on the Monday following the raising of the blockade were limited. Some of them were as follows:

"The Daily Mail" said:

"The raising of the blockade of the Venezuelan coast will evoke from this country a sigh of relief. England has emerged from the incident with no more than moral damage, though needless friction has been raised with the United States. British prestige has been lowered. Notwithstanding the manner in which England has been attacked and traduced by German statesmen and German generals, the British navy has been placed at the disposal of Germany. The settlement of this miserable affair cannot, under the circumstances, be paraded as a triumph for British diplomacy."

"The Daily Chronicle" said:

"The news that the protocols have been signed will bring a sense of relief and security to this country, which the government, who regarded the question as a suitable subject for after-dinner jesting, will no doubt fail to understand. But one thing the government will be forced to understand, that is the satisfaction which the country feels at the fortunate issue of the dispute will not lead it to condone the recklessness and the incapacity which created a dangerous crisis from comparative ease."

"The Daily News" said:

"The English taxpayers will be delighted to observe that the Germans receive almost exactly a dozen times as much as we do. That is a startling illustration of the humble position

to which our Ministers have been reduced by association with Emperor William, but both sums are so trifling that amazement is the only feeling with which we can now look back upon the miserable muddle from which we at last emerge. The alliance between Germany and England for collecting debts and compensations in Venezuela must be reckoned as one of the least worthy exhibitions of international friendliness that the world has yet seen."

The following is a despatch from St. Petersburg, dated February 19, 1903, to the American newspapers:

"Throughout the Venezuelan controversy the Russian press was emphatically in favor of America. The papers frequently published editorials defending the Monroe Doctrine, though one of them said that while they are anxious to see the success of American diplomacy, they feared that ere long American prestige would suffer and German prestige would be increased."

During the period between the bombardment of Puerto Cabello and the raising of the blockade, the Monroe Doctrine was under discussion over the whole civilized globe. It was found that British America and Australia were in favor of it, and the prevailing sentiment throughout Great Britain was in opposition to any attack upon it. If Germany should adopt the suggestion of Herr von Wildenbruch and her bankers and business men, it would enable her to work out a more glorious destiny for herself on other and more peaceful lines. On the other hand, the policy of coercion has never been successful against the United States, and any attempt at coercion would inevitably prove a costly failure.

The proceedings of the Reichstag of Germany on March 19, 1903, were reported from Berlin on the same date. They are important as being expressions given out by the government of Germany through the chancellor of the empire. This report is as follows:

"In the Reichstag to-day, during the discussion of the foreign office section of the budget, Baron von Hertling, Centre party, referred to the Venezuelan affair. He said public

opinion at first demanded action, since Germany's honor seemed engaged, but after action had been taken, apparently with success, public opinion changed and doubts arose as to whether it was necessary for Germany to risk so much."

Chancellor von Bülow replied, saying:

"The Venezuelan matter was from the very first neither a question of territorial acquisition nor of glory for us, but of a settlement through extraordinary means of business which had been complicated by the debtor's untrustworthiness, whereby, of course, the maintenance of our honor played a part. We were able to establish our claim only through common action with England and Italy. It was not merely a question of arranging the matter in hand, but giving a warning which would serve for the future. The mere money standpoint must not control in such cases. We dare not submit to breaches of the law. Otherwise we would not need ships or cannons. The Venezuelan case was exceptional. We shall not always dispose of such matters through force, but our action will depend upon special circumstances. Proof that force was necessary here is seen from the fact that the English government also resorted to forcible measures; whereas it is a well known principle of England's commercial policy that everybody investing private capital abroad does so upon his risk.

"We found ourselves in a dilemma, but nobody can reproach us with acting without sobriety and calmness. We had to take care that our relations with other powers should not be disturbed through this relatively subordinate matter. There was no lack of attempts to create such a disturbance. I here refer, of course, to no government, but to the press, which attempted to engender ill will between the governments at London, Berlin and Rome, on one side, and the United States on the other. The most unfounded and silliest rumors were circulated, as if we were about to land troops or violate the integrity of the South American republic. In such lying legends one American paper was especially great. It invented an official of its own in the foreign office, who informed the paper that we wanted to swallow Venezuela first, then Colombia, and finally Brazil."

This statement of the chancellor called forth loud laughter. He continued:

"These perfidious attempts to sow discord were frustrated through the loyalty of the cabinets and the confidence in the honesty of our policy. These fantastic and malicious stories, to our satisfaction, failed of their intended effect. Our relations with England and the United States remained intact, and our demands against Venezuela are to be regarded as accepted, according to the protocol settling the controversy."

Herr von Bülow then summarized the terms of the protocol, mentioning that Venezuela had already paid the first installment of the German indemnity, and said:

"The claims of the second have not yet been subjected to investigation. The Venezuelan government is ready to co-operate in a joint commission at Caracas in investigating and fixing the amounts of these claims. The third class claims will be settled. The cost of the blockade can not yet be stated, but it is small. We have decided not to make a demand that Venezuela pay an indemnity to cover the costs of the blockade, owing to the rather hopeless financial condition of that country. We attained what we wanted, and what under the circumstances was attainable. The action against Venezuela was inaugurated without a fanfare of trumpets, with all necessary vigor, and was carried to the end without weakness and within expedient bounds."

Professor Hasse of Leipsic University, Pan-German and National Liberal, said:

"I am not satisfied with this settlement of the Venezuelan affair. A formal explanation has not occurred. The moral effect of our co-operation with other powers and inviting the intermediation of America will be to increase America's reputation, while our reputation sinks. I attribute to American intervention the hostile attitude of the Venezuelans. The behavior of our Minister Sternberg has been of such a character that the United States should pay his salary. I refer to his well-known interview in which he even censured the late Prince Bismarck's policy as being antiquated."

Chancellor von Bülow, in the course of a second speech, replied to Professor Hasse's assertion that Germany could have achieved more in Venezuela. He said:

"Professor Hasse is not satisfied with material satisfaction. He wants a special act of expiation. I should like to know what the professor had in mind? Does he wish President Castro to send an expiatory prince? I admit I got enough with the China expiatory prince." Loud laughter followed the chancellor's last remark. Continuing, the chancellor rejected Lord Rosebery's statement in the British House of Lords that Germany got twelve fold more from Venezuela than England. He added that Lord Rosebery's calculation was mathematically and politically incorrect. "The advantages have been pretty equally distributed generally, and in the Venezuelan affair in particular. According to my opinion, we got all out of Venezuela that the circumstances permitted."

The remainder of the chancellor's speech in the Reichstag was devoted to other matters, among them to an endorsement of the policy of Bismarck. Whether Count von Bülow pursues a Bismarckian or a Machiavelian policy, the result in this country will be the same. The people of the United States do not put their trust in European premiers. They are governed by what European nations do, and not by what they say. They will continue to judge of our relations with Germany by the temper and spirit of her people, by the ever increasing size and efficiency of her navy, and by the pomp and circumstance with which she follows her constables into this hemisphere to collect small notes which have gone to protest.

No one who views our relations with Germany in the light of what has recently happened in so many ways, including the Manila and Venezuelan incidents, can truthfully say that those relations are not strained. Germany signed The Hague treaty in 1899, which was to have led up to the disarmament of Europe, and proceeded without delay to spend millions annually on the increase of her navy. The meaning of these two events, when considered together by men of ordinary

understanding, is peace in Europe and war in America, from the standpoint from which Americans view German ambitions and purposes.

Count von Bülow in that part of his speech against the American press mentioned "The New York Herald" by name. His attack upon it was unjust and unwarranted. On the other hand, that able and patriotic journal performed a great and valuable service to the United States during the Venezuelan crisis, for it stripped the mask from the face of Bismarck's successor, and exposed his insidious diplomacy. It pointed out the incongruity in the voice of Jacob and the hand of Esau.

Emperor William is very popular in the United States. He maintains in his life and character the best traditions of the Hohenzollern family. They were all distinguished for the splendor of their achievements, the simplicity, manliness, and uprightness of their lives. Moreover, the emperor is looked upon as a statesman of a high order, and a friend of the United States. Americans can become reconciled to him much more readily than they can to his chancellor.

The generous gift from the emperor of the statue of Frederick the Great was accepted by the American people with sentiments of gratitude and appreciation. Frederick the Great was himself a friend of Washington. He presented him a beautiful sword with the inscription, "From the oldest soldier to the greatest."

No duplicity can be seen in the position of Great Britain after the mere stage effect of her performance has passed away. Her people and her statesmen are, with regard to us, frank, direct, unequivocal. The manly utterances of England's premier in Liverpool are in striking contrast with the melodramatic performance of Germany's chancellor in the Reichstag. The one in a statesmanlike way gave voice to the sentiments of his government and people, while the other performed his part on the world's stage very cleverly, and became the recipient of the applause of its galleries.

Within a few days after Parliament convened as before

stated, Mr. Balfour, premier of Great Britain, made a speech in the city of Liverpool to an appreciative audience, which was enthusiastic in its applause.

When he said that the Monroe Doctrine has no enemies in England, he was loudly cheered. This fact tends to show that the people of England are not only friendly, but are in favor of our foreign policy.

Mr. Balfour's speech was as follows:

"Now let those who think that we have unnecessarily or recklessly done anything to touch the susceptibilities of that great English-speaking republic remember that the government of the United States of America has, from the beginning, been taken into our confidence with regard to every stage of this dispute. We have had no secrets from them, we desire to have no secrets from them. There really has been no stage of the whole proceedings in which we should not gladly have welcomed the assistance of the president of the United States as arbitrator upon the questions in dispute. Is it not absurd, when these things are stated, to suppose that we have shown ourselves reckless or indifferent to the United States?

"We know that public opinion is naturally sensitive upon what is known as the Monroe Doctrine. But the Monroe Doctrine has no enemies in this country that I know of. We welcome any increase of the influence of the United States of America upon the great Western Hemisphere. We desire no colonization, we desire no alteration in the balance of power, we desire no acquisition of territory.

"We have not the slightest intention of interfering with the mode of government of any portion of that continent. The Monroe Doctrine, therefore, is really not in the question at all. I go further, and I say that, as far as I am concerned, I believe it would be a great gain to civilization if the United States of America were more actively to interest itself in making arrangements by which these constantly recurring difficulties between European powers and certain States in South America could be avoided. They are difficulties which are constantly recurring, but they cannot be avoided. I am afraid Lord Rosebery himself got into one of them, and one of his

predecessors. As long as the canons of international relations which prevail between the great European powers and the United States of America are not followed in South America, these things will occur; and the United States of America can perform no greater task in the cause of civilization than by doing its best to see that the international law is observed, and by upholding all that the European powers and the United States have recognized as the admitted principles of international comity. The idea that we have ever by our action shown ourselves insensible to their susceptibilities or that we have not been anxious if possible to work with them, or to show them our whole hand, let that idea be absolutely dismissed."[1]

Notwithstanding all that Mr. Balfour has said, the truthfulness of which we concede, yet there is an impression among Americans amounting to a conviction, that Great Britain was fully advised by Germany that it was her purpose in this demonstration against Venezuela to test in some measure our fidelity and devotion to the Monroe Doctrine. Our impression further is that Great Britain imparted some inspiration to Germany in this enterprise. On the whole, we think that Germany came out with more money and rather more reputation than Great Britain.

The United States should endeavor to reconcile Germany to our traditional foreign policy. We want no quarrel with the Germans. We love the Germans for the good American citizens they have made. We love them for their industry and frugality, for their love of home, for their pride of race.

It is creditable to Great Britain that her statesmen and people are heartily ashamed of the petty and subordinate part she played in the demonstration against the sick man of Latin America.

Et tu, Italia, attempting to devour your own offspring! Niobe weeps for your progeny, who left their native land and the virtuous Sabine women who made their forefathers great, to come to this hemisphere and marry squaws and wenches and assimilate to the aborigines.

[1] Chicago Tribune, February, 1903.

Mr. Balfour's suggestion that "the United States will more actively interest itself in making arrangements whereby these constantly recurring difficulties between European powers and certain States in South America could be avoided" is a good one.

One of the noteworthy circumstances connected with the Venezuelan incident is the fact that the three leading nations involved in the affair have seen fit so recently after its occurrence to become profuse in their protestations of friendship and good-will towards the United States. The impression prevails that they protested too much; that their declarations were more or less factitious; that the flowers which bloom over the national garden walls are artificial. The soft phrase of diplomacy is very proper in its place; the blandishments of official etiquette and courtesy are all commendable, but it will require something more substantial than all these things to turn the people away from their convictions and their prejudices.

Public opinion in the United States is moulded by the people, and not by their servants. The servant is himself one of the people, and there is but little difference in his ability to influence and control public opinion whether he be performing the menial duties of a porter in the post-office, or the more exalted duties of president. The Spanish-American War is a striking illustration of this fact. The people compelled McKinley and his administration to go to war against their will. British statesmen are fairly well informed concerning these conditions, but German statesmen are as ignorant of them as their ancestors were of the situation in this hemisphere five centuries ago. It is not because Germans are less intelligent than the English, for they are just as intelligent, but Germany has been wholly engrossed in the consideration of European questions and economic problems, while Great Britain has been dealing with the American problems for centuries, and with the United States for more than a century. The two wars she has waged and the numerous other wars which have been narrowly averted have instructed her somewhat concerning the difference between

a monarch of flesh and an ideal despot called Public Opinion, whose person no one can touch, whose throne no one can approach, and whose mandates none dare disobey. Germany, therefore, if she actually desires to be on friendly terms with the United States, should become acquainted with the character of this tyrant who forms his opinions and prejudices from what comes to him from the great body of the people, and not from complimentary words which have been addressed to his servants by other rulers and courts.[1]

[1] The material of this chapter was obtained chiefly from the daily journals during and immediately after the Venezuelan imbroglio with the allies.

CHAPTER XXX

FACTIONAL ARBITRATION, FEDERATION, RECEIVERSHIPS

It has been pointed out elsewhere that The Hague treaty of 1899, and the treaty which was supplementary thereto made at the convention in the City of Mexico of January, 1902, did not go far enough to reach the vital questions by which the internal peace of the several republics in Spanish America is secured and preserved.

The revolutionary and anarchical condition of the Spanish-American republics, which has marked their course since they became independent of Spain, has demonstrated that it is necessary for the United States to exert its influence to prevent these conditions as far as practicable, without violating our general non-intervention policy. We interfered in the affairs of Cuba because the interests of civilization and humanity demanded it. A high sense of duty demands that we take some action that will give stability to government and security for life and property, peace and order among the people of those republics.

We have revolutions, too, every year or two in the United States, but they are the peaceful and bloodless revolutions of the ballot-box. They are those pleasant and harmless revolutions which keep alive that eternal vigilance which is the price of liberty. The politician who goes down in these revolutions does not thereupon raise an army and attack the government or some neighboring republic, as is done in Spanish America. He simply takes up again the burden of life where he partially laid it down when the campaign opened, and goes to work as if nothing had happened, with the determination to make the best of a peaceful and quiet life, with a purpose either to abandon politics entirely, or

to wait quietly and patiently until the whirligig of time turns things his way. The disappointed office-seeker in the United States may become a tramp, but he never is the leader of a revolution, for he would have no followers. The Spanish Americans seem to be wholly wanting in that form of discipline which makes our political upheavals so harmonious, so jolly, so harmless.

These republics have enjoyed nearly eighty years of freedom, and yet, with the exception of Mexico, Argentina, and Chile, seem more and more given over to anarchy and revolution than ever.

The assertion of the Monroe Doctrine by this government forces upon it the correlative duty of devising means for preventing revolutions, internecine strifes and wars between these commonwealths, which would have freed themselves from these conditions long ago by putting themselves under the protection of some one or more of the monarchies of Europe, if they had not been prevented from so doing by the Monroe Doctrine. The United States cannot any longer look idly on and see these republics laid waste, and the people debauched by the annual and semi-annual revolutions which take place on the continent of South America and in Central America. It is a fearful responsibility which thus rests upon the United States, but it is one that must be met delicately and courageously.

It will not do for this government to intermeddle in these wars and strifes and take sides with one or the other of these countries. The United States must place itself on higher and better ground than to become itself a party to these revolutions.

Most of the civil commotions which have afflicted the Spanish-American republics for the last seventy-five years have had their origin in petty and trivial causes. Duress and fraud in elections whereby the will of the people has been defeated at the polls are prolific causes of revolutions, which have been very largely produced by men who had more ambition than patriotism. At the end of these revolts it is

found that the cause of human freedom and of civil and religious liberty has not been advanced in most cases. It has generally been retarded. Among a self-governing people changes should be brought about peacefully by the ballot, not violently by the sword. When wrong triumphs the resort should be to education, not to arms.

Republics do not perish because the best men are not called to rule and govern them. The best men do not govern any country. The United States is governed by its mediocrity, but it is governed well. The best men seldom participate in the affairs of government except when they have nothing to share but its trials and dangers.

The liberties of the people are not destroyed because republics are sometimes ruled by malefactors. This only fills the voters with indignation and a desire to bury these malefactors as the snow-flakes which fall so gently on our northwestern borders bury Mother Earth under white hills.

On the other hand, in times of revolution, the liberties of the people are always in peril, and often destroyed. It requires years for the commotions of revolution to subside into the natural and peaceful order of affairs. These years, too, are saturnalia of private debauchery and public shame.

Something is necessary to be done to prevent revolutions and civil commotions. Any remedy for the specific prevention of civil wars among the republics themselves would probably be difficult to devise, and still more difficult to apply.

The responsibility rests with the United States to see that the Monroe Doctrine shall not be a shield to protect anarchy on the one hand or military despotism on the other among the Spanish republics.

It is possible that arbitration in some form may be applied to civil commotions, and if elections are free and fairly conducted this ought to afford a general remedy for civil strifes.

Arbitration may some day make such progress that the Spanish republics may have some inter-republic tribunal

which will authoritatively decide upon the freedom and fairness of elections as well as the title to the chief executive office, where that title is in controversy.

The parties in power in the Spanish republics have usually exercised an undue influence against those who were in favor of a change of presidents and policies. A form of politico-military despotism is the result, and if the people of the Spanish republics can become emancipated from these conditions by arbitration or otherwise, they will have taken a long stride in the direction of the suppression of civil commotions and revolutions.

The greatest impediment to success in Democratic rule in Latin America grows out of a want of homogeneity of the masses of the people and their inability to exercise the franchise of sovereignty. A glance at the character of some of the populations of these republics will serve to convince most persons that the nations composed of these mixed populations are incapable of self-government. A few samples of the nature and character of these populations will serve to illustrate this view.

Of Bolivia the population consists of a mixture of various races, chiefly the Spaniards with the Indian natives. A portion consists of the descendants of Negro slaves, who are also mixed with the Indians.

Colombia in 1857 had one million, five hundred and twenty-seven thousand whites and cross-breeds, four hundred and forty-seven thousand cross-breeds in which Indian blood predominated, ninety thousand Africans, four hundred and forty-six thousand Indian and Negro cross-breeds.

The population of Mexico is less than ten million, which is divided as follows:

First: Full blood Indians, five million.

Second: Mestizoes (half-caste Indians and whites), three million.

Third: Creoles (whites of Spanish descent), one hundred and fifty thousand.

Fourth: Gotchupines (Spaniards by birth), fifty thousand.

Fifth: Other Europeans and Americans, one hundred thousand.

Sixth: Full blood Negroes, ten thousand.

Seventh: Zambos (mixed Indians and Africans), forty-five thousand.

Eighth: Mulattoes, five thousand.

In Venezuela the population, according to an official estimate for January 1, 1886, was two million, one hundred and ninety-eight thousand, three hundred and twenty. The pure white population is estimated at only one per cent of the whole, the remainder of the population being Negroes and Indians, Mulattoes and Zambos.

A calculation based on the partial census of 1846 gave Nicaragua a population of three hundred thousand, of whom about one hundred thousand were pure blood Indians, one hundred and fifty thousand half-castes, Mestizoes, Zambos, and Mulattoes, twenty thousand Negroes, and thirty thousand whites. The whites have shown a tendency to diminish for a century or more.

Guatemala has a population of about one million, two hundred thousand, of whom seven hundred and twenty thousand are Indians, three hundred thousand Ladinos, one hundred and eighty thousand whites, and about one thousand foreigners.

In Honduras the population is mostly Indian, and in some districts it is difficult to say whether the whites have degenerated to the level of the aborigines in habits of life, or the Indians have raised themselves to the standard of the whites. Along some portions of the coast the population consists of a mixture of Indians and Negroes called Sambos, or Zambos.

Of the population of Salvador about one-fifth are white or have a preponderance of white blood, one-third are pure Indians, while the remainder are of mixed white and Indian blood. The number of Negroes and Mulattoes is insignificant.

The population of Costa Rica is a mixture of the European with the Indian and African. There are but few families of pure Spanish descent remaining.

The foregoing specific information concerning the population of certain republics is quite sufficient to illustrate in a greater or less degree the conditions existing in all of Spanish America.

A scheme of federation of these Latin republics might be framed on a basis that the confederated republics were only united for the mutual and common purpose of preventing insurrections and revolutions against their respective constituted authorities. For example, the five republics which once constituted the republic of Central America could by treaty arrange some form of arbitration of matters which would otherwise terminate in insurrection or revolution. They could also stipulate in such treaty for some co-operation and assistance against any revolutionary bodies which would not submit their differences to an arbitration tribunal and abide by the award. As the validity of elections is the prolific cause of revolutions, this tribunal could pass upon the validity of the election of president and vice-president in each and all of them, and could stipulate by such treaty for some effective mode of enforcing the award.

A limited federation of republics on this line would go very far toward giving peace among them in connection with the international arbitration tribunals which have been provided for at The Hague, and later by the Second International Conference of American States.

The five republics which originally constituted Central America could form one federated group, while the republics which constituted the Republic of Colombia, under Simon Bolivar, could constitute another group, and on similar lines all the Latin-American republics could federate themselves into four or five groups for mutual protection against insurrections and revolutions. These limited federations would naturally lead up to more intimate relations, whereby it would become possible for them to confederate together for all general purposes of government by groups, and thus become influential and powerful.

Another convention similar to the one which assembled in

the City of Mexico October 22, 1901, could take up, discuss, and perhaps arrange the basis of such a federation as is here suggested.

There might be objections raised to these federations on the ground that local jealousies and rivalries might render them not entirely free from bias or prejudice in giving their decisions or awards. This could be obviated by having the matter arbitrated by disinterested republics which did not belong to the federation, with the provision that the federated republics should all join in the enforcement of the award or decision when it was once rendered.

The treaties at The Hague and the City of Mexico have practically accomplished the federation of the world. Another treaty could accomplish the federation of the Latin-American republics for the purpose of putting an end to insurrections and revolutions.

The Latin-American republics all have to deal with the difficult race-problem. The white, Indian, and Negro races constitute the body of the people of these republics. These races are in part separate and distinct, and in part they are blended into various degrees and shades of miscegenation.

The fathers of the Republic of the United States did not consider either the Indian or the Negro as any part of the body of the people of the United States. They drove out the one and enslaved the other. When they resolved that all men were born free and equal, contemporary history shows that they meant white men.

Both Indians and Negroes have taken important and leading parts in military and civic affairs in Latin America. Quite a large amount of the troubles among these republics grows out of race prejudices and proclivities. It seems probable that this is the great and fundamental cause of the anarchy and military despotisms which alternate there.

Latin America has been compelled to deal with the race problem in its worst form. The three races have failed to co-ordinate in these republics as fully as did Cæsar and

Pompey and Crassus, who had each a party; but the commonwealth had no party.

Race triumvirates in a democracy do not succeed any more than a triumvirate of ambitious and self-seeking men. It is comparatively easy for each of the latter to sink out of sight his own selfish interests for the sake of the common weal, but it is impossible for the former to secure race abnegation, or to suppress race competition, or even to still the clamor of faction.

When these republics are in a state of revolution they are often compelled to make default in the payment of their current obligations, including the interest on the public debt.

Now that tribunals for peaceful settlements of international difficulties are made a part of international law, it only remains to clothe the tribunals with the necessary powers to enforce the law. When Venezuela was in a state of revolution she defaulted in the payment of her obligations in Great Britain, Germany, Italy, the United States, France, and quite a number of European nations. When these defaults take place the appointment of a receiver in many, if not in all cases, would result in the settlement of the obligations, and in suppressing the rebellion as well.

The receivership itself becomes a form of mediation similar to that which is secured by The Hague treaty. The receiver comes in as a disinterested third party between the warring factions, and in most, if not in all cases, an immediate peace would result. If an immediate peace is not the result of the appointment of the receiver, the creditor nations would be powerful enough to secure peace in a very summary manner.

If a receivership had been resorted to for Venezuela as soon as she defaulted in the payment of her obligations, an immediate peace would have resulted. The receiver could have conducted the affairs of Venezuela until the disturbances had been quieted and commercial, planting and manufacturing enterprises had resumed, and then he could in a time of profound peace have held an election, and have

turned over the entire machinery of the government to the newly chosen officials selected by the free choice of the people.

There are many cases in which it would be proper to appoint the receiver before any default in payment had been made, as a simple means of terminating a revolution or rebellion.

In case a third Conference of American States should take place it might be well not only to secure arbitration of these factional or party difficulties, but also to clothe a tribunal with authority, upon the petition of one or more creditor nations showing a good and sufficient cause, to appoint a temporary receiver to take charge of the affairs of the republic for a limited time and discharge its pecuniary obligations, restore peace and order, and then in due time turn over the government to the newly selected officials, chosen by the people in the legal and constitutional mode.

There are other occasions in which the appointment of a temporary receiver would be of great value in securing peace. In many cases the administration which is in power uses all its patronage and power to secure the election of its successor. This interference on the part of the administration in charge of the machinery of the government is generally so powerful and so unscrupulous that it is irresistible, and the election is found to result in a defeat of the obvious will of the people as expressed at the ballot-box.

In States and sections where the people are well organized and able to defeat the administration, the officials in charge of the machinery of government will circulate false information concerning revolutionary movements which never took place, in order to afford an opportunity to send military forces into such districts to suppress these alleged rebellions, the real purpose being to thwart the will of the people at the polls by either securing a coerced vote or a fraudulent return. The sequel to all this tyranny and fraud is a revolution.

If a receiver could be put in charge of the government

pending a presidential election campaign so as to prevent an improper use of its patronage and power, and thereby secure a fair election, it would go very far towards crushing out revolutions in the Latin-American republics.

Some plan might be adopted whereby a limited number of republics might determine when the crisis had arisen in which a receivership should be adopted. If such a power were conferred on the United States, Mexico, Argentina, Chile, and Brazil in respect to the Central American republics and those of Venezuela, Colombia, Ecuador, Peru, and Bolivia, it would leave but little ground for revolutions to stand on.

This classification is made simply by way of illustration. Other republics could have a similar arrangement. In many cases, no doubt, the administration would gladly submit to a receivership on the suggestion of the United States alone if a scheme of that character should once be devised whereby an administration could honorably and properly thus temporarily surrender the management of affairs.

At the very beginning of revolutionary movements it should be the duty of some one or more of the disinterested republics, and particularly of those federated in the manner stated, to tender their good offices of mediation in manner and form as provided for in The Hague treaty for mediation between nations. Such controversies as the mediators cannot settle should be referred to an American tribunal for adjustment.

No scheme of mediation between a republic and a revolutionary party against it has ever been devised, much less has any scheme of arbitration been suggested, but it will be found that when such a scheme has once been inaugurated it will soon become irresistible and quite as practicable as the mediation and arbitration devised by The Hague Convention for international controversies.

Legislation by the respective republics in furtherance of the mediation and arbitration scheme would crush out a great many obstacles which now seem to be insurmountable.

The part taken by the United States in the Venezuelan

controversy with the European allies has revealed this government to the republics south of us in a proper light. It has shown them that the people of the United States are sincerely and profoundly interested in the success of republican government throughout this hemisphere. It has shown them that our purpose among them is not that of conquest, but of sympathy, co-operation, and assistance.

An erroneous idea has for a long time existed among many of these republics, that it was a question of only a short time when they would be seized by the United States and become part of our territory. Their motto consequently has been, "Let us eat, drink, and be merry to-day, for to-morrow we become colonies of the United States."

The co-operation of the United States, Mexico, Chile, Argentina, and Brazil, in a policy which would put any or all of the other Latin-American republics in the hands of receivers and retain them there until discharged by the concurrence of these five republics would soon bring revolutions to an end.

If the five little republics which once constituted the Republic of Central America were in the hands of receivers for a considerable period in which an opportunity would be afforded to recuperate their energies, re-establish their credit, and reduce their rate of interest, steps could be taken to bring these five republics again into a union called the Republic of Central America.

These five republics as now administered seem incapable of taking the initiatory steps to bring about a reconfederation. The receivers could take these initiatory steps under the direction of the more powerful supervising republics. The same thing could be done to bring back into one republic the existing republics which once constituted the Republic of Colombia under Simon Bolivar.

Receiverships terminating in confederations which would give to Latin America a few large and powerful republics would put out of business permanently a large number of professional liberators.

Receiverships and federation are the direct roads to peace and prosperity in these weak and small republics. The United States stands in a favorable position to take the initiative in bringing about these reforms. In suggesting receiverships among republics where self-government has proved a failure it is not our purpose to favor any importation among them of rulers and officials. We want no carpet-bag governments for Latin America to hold the people down by bayonets while the beggarly elements of reconstruction run riot through their prostrate commonwealths.

On the other hand, it will be found that there are plenty of honest, cultured, and capable men within the bounds of each republic to attend to the affairs of government in all details. These tax-payers and men of character should be selected to act as receivers and aid in re-establishing self-government upon a solid and enduring basis. Ballot reforms and a regulation of the election system could be inaugurated under the receiverships, while an inter-republic tribunal similar to The Hague Tribunal to judicially dispose of many factional controversies would add to the usefulness of a receivership system.

CHAPTER XXXI

GENERAL OBSERVATIONS

THERE are a number of occasions in which the Monroe Doctrine has been asserted, and some occasions in which any assertion of it was omitted or neglected altogether.

Geographers, in dividing the globe into hemispheres, have placed the dividing line twenty degrees west of Greenwich. This throws all of Europe and Africa and the greater part of Asia into the Eastern Hemisphere.

The Western Hemisphere contains the continents of North and South America, Greenland, a part of Iceland, a part of Siberia, including a portion of Kamschatka and one-half of each of the polar regions. It also contains a large number of islands, some of which, like the West Indies, are near to us, while others are widely scattered.

Among the distant islands of the Western Hemisphere may be mentioned the Cape Verde, the South Shetland, the Samoan group, the Hawaiian group, the Fiji group, and the New Zealand islands. Some of the questions which present themselves to the American citizen and statesman are as to what the duties of the government of the United States would be in respect to the Monroe Doctrine in its application to the colonization and government of these remote islands and sections. There are ice-bound regions so worthless in an economic point of view and so dreary in their isolation that our government could feel no interest in them. There are islands of the Western Hemisphere so inconsequential and so remote from the lines of ocean traffic that our ships would never visit them. The question is, in case European governments should colonize these regions, some of which are inhabited by cannibals and naked savages, and

should they, by their control and management, dedicate them to Christianity and to progress, would it be the duty of the United States to assert the Monroe Doctrine, and, if necessary, go to war with all Europe in its vindication? There can be but one answer to this question, and that a negative one.

We will refer here briefly to some of the practices of this government on this question, and in order to avoid partisan bias or prejudice take our illustrations from the practices of both the Democratic and Republican parties.

In the year 1840, during the administration of Martin Van Buren, the islands of New Zealand, and in 1871, during the administration of General Grant, the Fiji Islands, passed under the control of Great Britain. They were peopled by cannibals. Great Britain has colonized them and they are now the homes of industry, culture, and refinement.

Here are two striking examples of the construction of the Monroe Doctrine in the same manner by the government when respectively administered by each of the great political parties of the country. These two acts of colonization by Great Britain seem to have passed unnoticed by our government. Not even so much as a protest was offered. The Fiji Island group passed under the dominion of Great Britain only four years after the expulsion of the French from Mexico.

America was settled by Europeans, and Americans generally are descendants of European immigrants. Not many years since, a large number of the northwestern States had salaried agents residing in New York whose business it was to meet European immigrants on their arrival at Castle Garden and induce them to locate in the States represented by such agents. Every nation of Europe is represented in the citizenship of every State in the Union, and in some States these representatives number many thousands. Every nationality of Europe is well represented in official stations in the United States. Europeans who become citizens retain all their sacred memories of the fatherland. They are

encouraged to do so, and all that is good and beautiful in their manners and customs is adopted by the Americans, as well as many other things that are not so good and beautiful.

If Europeans would understand Americans and the character of our civilization in the United States of America they must study our early history.

Columbus discovered America in 1492, and while the South American continent soon thereafter became peopled by Europeans in search of gold and adventure, the North American continent remained the exclusive habitation of the Indian for more than a century, with the exception of a small colony in Florida.

The pilgrims on the "Mayflower" landed at Plymouth Rock in December, 1620. With the exception of a small English colony at Jamestown, which died out and in part returned to England and became dispersed, the Plymouth Rock colony was the first.

Near the end of the sixteenth century a number of poor dissenters scattered through the north of England, especially in the counties of Nottingham, Lincoln, and York, joined themselves together for the purposes of religious worship. They were patriot subjects politically, but religiously they were rebels against the English church. Their rebellion, however, simply consisted in the declaration that every man had a right to discover and apply the truth as revealed in the Scriptures, without the interposition of any power other than his reason and conscience. Such a doctrine was very repugnant to the Church of England. Queen Elizabeth herself declared such teaching to be subversive of the principles on which her monarchy was founded. King James was equally intolerant and violent, and persecutions broke out from time to time.

Finding no rest or peace in their own country, the Puritans finally determined to go into exile and to seek in another land the freedom of worship which was denied them in their own. They started for Holland, but were followed and brought back again and thrown into prison. After regain-

ing their freedom they again met on a bleak heath in Lincolnshire, and in the spring of 1608 they embarked for the Humber. They arrived safely at Amsterdam, where they spent the following winter, and then removed to Leyden, where they spent ten years. Having secured an informal and reluctant promise from King James that he would let them alone in America, they gathered together their worldly goods and embarked on the "Mayflower" for the New World, and founded the Plymouth Rock colony in New England. They landed from the "Mayflower," amidst a violent storm of sleet and snow, to take up their abode in the wilderness, where they laid the first corner-stone of civil and religious liberty in America.

The Dutch colony was founded on Manhattan Island, now the City of New York, in the year 1623. These colonists were Dutch Protestant refugees from Flanders, Belgium, and Holland. They were of the same religious faith as the Huguenots in France, and came to America to find relief from the persecutions of their own country. These immigrants were descended from the people whom Cæsar found so difficult to conquer, — from that people who converted into fertile fields and meadows the wild morasses interspersed with lagoons and shallows which were subject to inundation by the sea.

In 1682 William Penn's colonies were founded.

In the year 1598 Henry IV of France, called Henry of Navarre, made a proclamation called the Edict of Nantes, by the terms of which the Huguenots were protected in their rights of religious worship. This secured protection for the period of eighty-seven years, when, on October 22, 1685, Louis XIV revoked the Edict of Nantes, and the most relentless persecution followed. Although the ports of France were closed against their exit, in spite of every precaution five hundred thousand of the best people of France fled into foreign lands. In the Eastern Hemisphere they were scattered from the Baltic Sea to the Cape of Good Hope. On the North American continent they were scattered from

Maine to Florida. Of all the American colonies, South Carolina received by far the greatest number of these French refugees.

From the seed sown by the Plymouth Rock colony, the Dutch colony, the Penn colonies, and the French colony, sprang the principles of civil and religious liberty which are the controlling forces of our national life. Having enjoyed religious freedom for over a century and a half, our ancestors acquired civil liberty through the revolution of 1776.

Patriotic fervor and devotion to the principles of civil and religious liberty have continued to inspire the citizens of every State of this Union from the day of our independence to the present. As time went on, some differences of opinion sprang up as to the methods whereby these principles could best be maintained.

Our government is dual in form. The American altar is a double one. One is the altar of the State and the other of the United States. These two altars joined together constitute the shrine of American allegiance and citizenship. We can do no better than to copy what the Supreme Court of the United States says on this subject:

"The distinction between citizenship of the United States and citizenship of a State is clearly recognized and established. Not only may a man be a citizen of the United States without being a citizen of the State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the United States.

"It is quite clear, then, that there is a citizenship of the United States and a citizenship of a State which are distinct from each other."

This is what the Supreme Court of the United States said and published in deciding what is known in the legal profes-

sion as the Slaughter House cases. This *imperium in imperio* form of government led up to a civil conflict beginning in the year 1861 and ending in the year 1865.

A large number of the people of this country believed that the allegiance of the citizen to the government of the United States was paramount to the allegiance he owed to the government of the State. On the other hand, a large number of the citizens of the United States who were equally as patriotic as the others, and who were equally as devoted to the principles of civil and religious liberty, were of the sincere and candid opinion that the allegiance which the citizen owed to the State was paramount to the allegiance he owed to the government of the United States.

The citizens who held these opposite opinions were not commingled as political partisans generally are, but they were divided by sectional lines. Circumstances were such that the decision of this controversy had to be submitted to the arbitrament of the sword. By this dread tribunal it was decided in favor of the paramount sovereignty of the United States, but this result was not reached until a large part of the flower and pride of American manhood had perished in the unfortunate method of its solution.

This brings us to a consideration of the Spanish-American republics, which have been reposing since their independence under the ægis of the Monroe Doctrine promulgated by the government of the United States of America.

The Spanish-American republics, nearly all of which have copied the constitution of the United States and made it their own with but slight changes, should accept our mode of settlement of the paramountcy of allegiance to the federal government as a vicarious offering for all republics of the Western Hemisphere. The contrary solution will convert their federal unions into mere ropes of sand. At the time when the Spanish-American States became independent of Spain, the right of a State to withdraw from the union was believed in by a large number of the citizens of the United States. It was the almost universal belief of the people of

the American States which were in the closest proximity to the Spanish-American republics. These republics have suffered much in the way of rebellion and revolution by adopting these views, but when they come to regard their allegiance to the federal union as paramount to the allegiance to their States, provinces, or departments, they will have taken a long stride toward a satisfactory and stable government.

The frequent civil wars in the Spanish-American republics have had the general tendency to destroy the sovereignty of the States, for the rights of the States are always in peril when a condition of civil war exists, and a long and protracted series of civil wars will lead to a destruction of the rights of the States and to a centralization of power in the federal government.

Notwithstanding some facts in history of a comparatively recent date, it can truthfully be said that there is no party or political faction in the United States which favors the overthrow of the sovereignty of the States. In the United States the rights of the States and the rights of the general government have become so well defined by constitutional restrictions and precedents that there is now but little if any friction or clashing between their respective machinery. There is but little if any disposition on the part of the general government to reach out and curtail or crush out the rights of the States. The limited federal power is in the main exerted directly upon the people, and not upon the States. Its judiciary, its internal revenue system, and its constabulary, each and all, exercise their functions directly upon the people. There is therefore little room for quarrels or controversies between the general government and the States, or between the States themselves concerning matters of loyalty or obedience to the central government, on the part of the various States, like those which occurred among the States of the Dutch Republic or which sometimes occur among the cantons of Switzerland. If the general government is not well administered the calamity falls on the great body of the people of the country and not upon the States as

such. The various States are seeking always to promote and preserve the harmony of their federal relations. They have nothing to gain by a contrary policy.

The Spanish republics have failed to secure this beautiful equipoise between the general government and the States which the United States has finally attained. This, however, is not everything which stands in the way of the Spanish-American republics to prevent their attaining the governing capacity of the people of the United States. They do not possess religious liberty. There was originally a union of Church and State in all the Spanish-American republics. Certain republics have secured religious freedom only in the last few years. If these Spanish-American republics do not divorce themselves from the Church the Church will doubtless at no distant day divorce itself from the republics, in order that it may attain to a higher spiritual life than it could possibly reach while consorting with politicians. The prosperity and high spiritual life which the Roman Catholic Church has attained in the United States, under religious freedom, would repel even the thought of a union of Church and State in this republic. If such a measure were practicable, and before the people for their suffrages, the entire membership of that great church would doubtless vote against it from cardinal to layman.

When these republics master the problem of a dual form of government by giving their paramount allegiance to the federal power, still preserving the rights of the States, and when they achieve religious liberty and toleration, there is yet one thing more required of them to elevate them to the same plane with the people of the United States. They will have need to acquire that dignity of race which the people of the United States possess, which forbids them to commingle with the inferior races on terms of social equality, as is the case in nearly, if not all, the Spanish-American republics. Instead of preserving their race superiority and purity like the Puritans, the Dutch, and other peoples who settled North America, the original settlers of Spanish-America commingled

with the natives and have assimilated to the aborigines. Mongrel races have resulted by the miscegenation of whites, Indians, and Negroes. This mixture of races is a constant menace to republican institutions. The clamor of faction may be stilled for a time, but the outcry of an inferior race goes on forever.

A just and correct perception and appreciation of these things, denuded of all forms of maudlin philanthropy or sentiment, become absolutely imperative among a self-governing people. The training of a people for ages in the affairs of government gives it a fitness to exercise political power to which the inferior races have not attained.

The principles of heredity and training which made the brother of the wolf the guardian of the flock apply equally to the races of men. The inferior race wields the headsman's axe, while the superior race governs so gently that the hard hand of power is not felt, so humanely that the lash of inexorable justice draws no blood and leaves no scars.

This government has a duty to perform, for itself, and for these struggling republics, which cannot be evaded. The Monroe Doctrine is the creed which expresses that duty. These weak, feeble, and otherwise defenceless republics groping blindly through the darkness of their environments must be protected until they shall touch God's right hand in that darkness and shall be lifted up to the same plane of stability and order with the United States of America.

Europeans have come to look upon the people of the United States as living in violation of the commandment against covetousness when applied to the territories of our neighbors.

The Romans worshipped a god called Terminus, — the god of boundaries and frontiers of the Roman State, as well as of private landed property generally. The festivals of Terminus occurred once each year, and they were called among the Romans the Teminalia. It was believed to be an attribute of this god that he must always advance and never recede.

In this faith both republican and imperial Rome worshipped this divinity. The events of centuries seemed to justify this faith in the god Terminus, always pressing onward, expanding the Roman boundaries, and never receding. The time came at last, however, when the Roman Empire went to pieces.

Alexander was a worshipper at the shrine of Terminus. His passion was for universal dominion, and his empire reached from Macedonia beyond the Euphrates. His empire, which was to have been eternal, did not long survive him.

Spain laid her offerings upon the altar of Terminus, and the sun for centuries never set upon her dominions. Recession came to Spain as it did to Rome, to Alexander, and to Napoleon, and her empire has been broken into fragments, for the nation which once ruled the greater part of the Western Hemisphere has not a foot of ground there she can call her own. The horses of her conquerors have been stabled in her churches and palaces. Her towers have become the food of the ivy.

Europeans are grievously mistaken in regarding the Americans as eager for territorial conquests. We have made acquisitions of territory from time to time, it is true, but each case was justified by circumstances, and can easily be defended upon the highest ground of public policy and morality.

Americans are not inclined to encroach on the territory of their neighbors. What they want and what they hope for and expect is a happy and contented people throughout all our borders. As careful students of history, there are none who know better than the American people how evanescent are all human affairs, and how vain and foolish are the wild schemes of mad ambition when unsanctified and unrestrained by a sense of justice.

Their purpose is not conquest, but the dissemination of light, liberty, and happiness among neighboring peoples. Americans are not worshippers at the shrine of Terminus.

They do not covet the territories of their neighbors. They do hope, however, that their neighbors will acquire the same inspirations which they possess of liberty and progress. Liberty and progress, when they go hand in hand, are always aggressive. They overturn the temples of pagan idolatry and break their images; crowd the drones in the hive of human industry from their stools of indolence, purify the political atmosphere, and scourge from it the stagnating elements which would otherwise culminate into pestilence.

We are an expanding nation, however, and it is impossible for any one to predict the nature and extent of our future boundaries. Washington in his Farewell Address refers to "the future maritime strength of the Atlantic side of the union" in such terms as to show that the extension of our domain to include the Pacific coast had never occurred to him. The most that he had ever dared to dream was of the future control of the Mississippi River. By reason of having extended our boundaries into the Eastern Hemisphere by the acquisition of the Philippines it has been contended that we have thereby waived and put aside the Monroe Doctrine. No such conclusion can follow from the premises. There is no connection between the two. The conclusion is illogical.

This nation has grown to be a great world power, and the nations of the earth have finally so recognized it, but it is not incumbent upon it to cast aside the honorable and defensive methods and policies whereby it has achieved greatness. The United States is now a factor to be reckoned with in respect to all world movements. It has become a necessary party to all forms of diplomacy of general world interest and influence.

Great Britain and Russia, and perhaps other European powers, are willing to take the United States into their confidence and accept the Monroe Doctrine. We could not expect to retain their friendship by making other invasions of the established rules of international law. In performing the functions of a stalwart elder brother to the Southern

republics the United States cannot set aside or ignore any of the rights of European subjects which are secured to them under the provisions of the established rules of international law. The Calvo Doctrine is a heresy which the United States should distinctly and unequivocally repudiate.

APPENDIX

THE Monroe correspondence and writings pertaining thereto are too voluminous for insertion in the text of this work, and too voluminous to be of any great value to the general reader. Therefore, only such of the letters and writings as will more or less illustrate the text and give the facts and circumstances under which the Monroe Declaration was made will be given in this appendix.

The first paper is John Quincy Adams's own account of his communications with Baron Tuyll as found in the Adams Manuscripts:

"On the 16th of October, 1823, the Baron de Tuyll, the Russian Minister, at an interview with me at the Office of the Department of State informed me that the Emperor of Russia having learnt that General Devereux had been appointed as a Minister Plenipotentiary from the Government of the Republic of Colombia to reside at his Court, had determined not to receive him in that capacity, nor to receive any agent from any of the Governments recently formed in the new world — and that he, Baron Tuyll, was instructed to make this determination of his Imperial Majesty known, so that there might no doubt be entertained in that respect with regard to his intentions.

"That he had not been instructed to make an official communication of this fact to the American Government; but that, as he considered such a communication the most effectual means of making it known to them and thereby of fulfilling the intentions of his sovereign as indicated in his instructions, he should address to me an official note to that effect.

"The Baron added that by two several instructions of prior dates, in June and December, 1822, he had been informed of the satisfaction with which the Emperor had observed that the Government of the United States, when recognizing the Independence of the South American States, had declared that it was not their intention to deviate from the neutrality which they had until then observed, in the contests between Spain and her American Colonies; and that it was

the wish and hope of the Emperor, that the United States should persevere in that course of neutrality. The Baron added that he had not thought it necessary to communicate officially the purport of these Instructions, and that he should not refer to them in the Note which he now proposed to transmit to the Department of State; but having concluded to give in the form of a Note the information of the Emperor's determination with regard to the Mission of General Devereux, he had thought the occasion a proper one for making a verbal communication of the purport of his prior Instructions.

"I observed to the Baron de Tuyll, that upon the President's return from Virginia, which was expected in a very few days, I would lay before him, as well the Note, which I should in the meantime receive from the Baron, as the purport of the oral communication which he then made to me. That I should probably be instructed to return a written answer to his Note, and that I should also be directed what to say in answer to his verbal remarks. That the Declaration of the American Government when they recognized the Southern American Nations, that they would persevere in the neutrality till then observed between Spain and her emancipated Colonies, had been made under the observance of a like neutrality by all European Powers to the same contest. That so long as that state of things should continue, I could take upon me to assure the Baron, that the United States would not depart from the neutrality so declared by them. But that if one or more of the European powers should depart from their neutrality, that change of circumstances would necessarily become a subject of further deliberation in this Government, the result of which it was not in my power to foretell.

"On the same day I received from the Baron de Tuyll the Note, copy of which marked 1, is herewith enclosed.

"On the 21st of October, the Baron again called at the Office of the Department of State, and read to me the draught of a despatch that he had prepared giving an account to his Government of the purport of the conference between us of the 16th. He said that being desirous of making the statement with perfect accuracy, he submitted this draught to me, with a view to making any alteration in it, which I might think that, to the accomplishment of that object, it would require. I observed that it appeared to me to be quite correct, with the exception, that in the statement of the final remarks that I had

made to him, he had so concentrated the substance of it, as to give to it a tone of dryness in the manner, which had not been intended by me. That he was aware the conversation between us had been in manner altogether friendly and confidential, and that after saying to him that I should report to the President the purport of his communication to me, and answer it according to the directions that I should receive from him, I had added that I could at once take it upon myself to assure him, that while the European Powers should continue to observe their neutrality between Spain and South America, the United States would not depart from theirs. But that a change of the State of the question, by foreign and European interposition, would necessarily give rise to deliberation here, the result of which he must perceive it was not for me to foretell. The relations between the United States and Russia had always been of the most friendly character, and I knew it was the earnest wish of the President that they should so continue. The Personal Relations in which I had stood for several years with the Russian Government, and the proof of Friendship which during that period the Emperor Alexander had repeatedly given to the United States, had left on my mind, an indelible impression of respect for his character. I should regret the possible inference that might be drawn by the Imperial Government, from the compressed substance of what I had said to him, that it had been in terms as short and dry, as it appeared in his report. He said that he immediately saw the force of my remark, and would alter his despatch accordingly.

"On the 24th of October he came again to the office, and read to me the amended draft of his despatch, to the general correctness of which I assented. He afterwards, as will appear, furnished me with a copy of it, as sent to his Court, dated $\frac{15}{27}$ October 1823.

"At this conference of the 24th of October, the Baron intimated to me a wish, that the substance of his Note of the $\frac{4}{16}$ October, might be published, in the form of an Editorial Article, in the National Intelligencer, or that an article which he should prepare, stating the fact that such communication had been made by him to this Government, might be inserted by his direction, not as official, but yet as from an authentic source. He said that his motive for this wish was to discharge faithfully his duty to his Government, which had enjoined him not to suffer any doubt to be entertained

with regard to the Emperor's intentions, on the subject to which it relates.

"I observed that as to an Editorial paragraph apparently authoritative, stating the fact of his written communication, it would doubtless excite much attention, and lead to the enquiry what answer had been given to it. That I should send an answer, to him, which I supposed would be of a nature, not to require a reply, and that the correspondence on that subject would terminate with it. That after he should receive the answer, if he still desired that the whole transaction should be made public, I did not apprehend there would be any objection on our part to make it so, either in the form of a newspaper paragraph, or by the publication of the two Notes. But perhaps the most suitable manner would be that they should be communicated, with the documents accompanying the President's Message to Congress at their approaching Session.

"That with regard to a publication by *his* direction, I had to remark; that from the perfect freedom of the Press in this Country foreign Ministers, if they chose to avail themselves of it, possessed the means of operating upon the public mind, in a manner not accessible to them in countries where the Press was under the controul of the Government. Foreign Ministers in the United States had often so availed themselves of it; but never with any success; and always with a result of disservice rather than of service to their own Government. We considered it as an improper expedient for them to resort to. And that as between Nation and Nation, no foreign Minister in the United States, could with propriety insert in the public prints, any thing that an American Minister in his Country would by the existing state of the Press be debarred from publishing there.

"That in the present case if he should publish a statement of the communication made by him, it would immediately excite the enquiry what answer had been returned to it by this Government. An enquiry which upon the Meeting of Congress could not fail to present itself in the form of a Resolution in one or the other House, calling upon the Executive for information concerning it, and the natural answer to which would be the communication of the two Notes. But in the meantime, the first publication from him would give rise to animadversions in the public Prints, and perhaps in Congress, which might be unacceptable both to him and to his Govern-

ment, and the character of which would readily occur to his own Reflections.

"He said he believed the best mode of giving the publicity to the whole subject, which might be necessary to give effect to the views of his Government, would be by the communication of the papers to Congress, as I had proposed. But if it was agreeable to me, he would wait to receive my answer, and would then request another interview with me, at which he would candidly state to me his definitive wishes, with regard to the publication.

"Upon the President's return from Virginia, on the 5th of November, I laid before him the Note of 16 October received from Baron Tuyll, and reported to him the substance of the Conferences between the Baron and me as here related. After a consultation with the members of the Administration then in Washington, I was directed by the President to request another interview with the Baron; which accordingly took place on the 8th.

"I then told him that I had submitted to the President the Note from him declaring the Emperor's determination not to receive any Minister or Agent from any of the South American States, to which I should send him an answer: that I had also reported to the President the substance of our verbal conferences: of what had been said by him, and of my answers. That the President had directed me: to say that he approved of my answers as far as they had gone, and to add that he received the observations of the Russian Government relating to the neutrality of the United States in the contest between Spain, and the Independent States of South America amicably; and in return for them wished him to express to the Court *the hope of the Government of the United States that Russia would on her part also continue to observe the same neutrality.* After some conversation the Baron desired me to repeat what I had said, that he might be sure of perfectly understanding me; which I did. He then observed that he should immediately prepare a dispatch to his Government, relating to the purport of this conversation, and (it being Saturday) that to be sure of its accuracy he would send it to my house the next day, requesting me to make any observations upon it that I should think advisable.

"At this conference, upon a suggestion from the President, I enquired of the Baron, what was the import of the words 'political

principles,' in his note of $\frac{4}{16}$ October. He said they were used in the Instructions of his Government to him, and he understood them as having reference to the right of Supremacy of Spain over her Colonies; and that this appeared to him to be so clearly their meaning that he did not think it would be necessary for him to ask of his Government an explanation of them. The Baron reminded me of my observation at a former meeting that my answer to his note, would probably not be of a nature to require a reply: and of my engagement to refer it for further advisement, whether and how the correspondence should be published. I told him I remembered both, and still believed that my answer to his Note would require no reply, but that of that he would himself judge. And I stated to him what I supposed would be the substance of my answer; upon which he made no remark.

"The next day, 9. November, he sent to my house the draft of his despatch, which, after perusing it I returned to him with a private and confidential note, containing two observations relating to it. The first that in reporting *my* part of the preceding day's conversation he had used the expression of contest between Spain *and her Colonies*, while I had then and in all our conferences spoken of them as the Independent American States, heretofore Spanish Colonies, and I suggested to him the propriety of making the report of what was said by me conformable to this fact. The second, that as the despatch concluded by stating to his Court, that before making it up he had for the sake of accuracy, submitted it to my inspection, as he had also done with regard to the prior despatch of $\frac{15}{27}$ October, I thought it necessary, with a view to the certainty of equal accuracy in my reports to the President of the contents of his despatches, to request copies of them both. The next day he sent me confidentially copies of both — the latter of them dated $\frac{30 \text{ October}}{11 \text{ November}}$ 1823, and amended conformably to the suggestion in my confidential note to him of the preceding day. Copies of these papers marked 2 and 3 are annexed.

"On the 15th of November, the answer, copy of which marked N. 4. was sent to the Baron. On the 17th the Baron requested another interview with me, in consequence of fresh despatches received from his Government. I received him on the same day; when he read to me a Letter to him from Count Nesselrode, dated about the last of

August, informing him of the intended departure of the Emperor Alexander from St. Petersburg, on a tour of inspection of his armies, which would probably occupy about three months; with assurances that no movement of hostility was contemplated in connection with this Journey, but that the preservation of general Peace, was still the object of the Emperor's earnest solicitude.

"The Baron communicated to me at the same time, extracts from two other despatches received from his Court — one dated 30 August N. S. containing an exposition of the views of the Emperor Alexander and of his Allies, Austria, Prussia and France in relation to the Affairs of Spain and Portugal — and the other dated 1 September N. S. replying to despatches received from the Baron, after his first arrival here, and relating particularly to the Negotiation, concerning the Northwest Coast of America, and the Imperial Ukase of the $\frac{14}{26}$ September 1821. He left these extracts with me, to be submitted in confidence to the President, and with permission to take a copy of that of the 30th of August. He declared his entire satisfaction with my answer to his note of the $\frac{4}{16}$ October."

The following letters of Baron Tuyll and Count Nesselrode are also to be found in the Adams manuscripts:

BARON TUYLL TO SECRETARY OF STATE.

Monsieur, — L'Empereur, mon Auguste Maitre, ayant été informé, que la Régence Républicaine de Colombia avait nommé des Agens diplomatiques auprès de differentes Cours Européennes et que le Général de division d'Evreux avait reçu une destination semblable pour St. Petersbourg, sa Majesté Imperiale a enjouit à son Ministère de me prévenir, que, fidele aux principes politiques, qu'Elle suit de concert avec ses alliés, Elle ne pourra dans aucun cas recevoir auprès d'Elle aucun agent quelconque, soit de la Regence de Colombia, soit d'aucun des autres Gouvernemens de fait, qui doivent leur existence aux evénements, dont le nouveau monde a été depuis quelques années le théatre.

Comme il m'est préscrit de ne pas laisser subsister le moindre doute sur les intentions de sa Majesté Impériale à cet égard, j'ai jugé, Monsieur, devoir porter cette determination à votre connaissance et je saisis cette occasion pour vous réitérer l'assurance de la haute considération avec laquelle j'ai l'honneur d'être, Monsieur, votre très humble et tres obeissant serviteur (Signed) Tuyll.

Washington, le $\frac{4}{16}$ Octobre, 1823.

BARON TUYLL TO COUNT NESSELRODE.

À S. E. Mr. le Comte de Nesselrode.

Washington, le $\frac{15}{27}$ octobre 1823.

Mr. le Comte, — Pour remplir les ordres que V. Ex. m'a fait l'honneur de me transmettre par sa dépêche en date du 14 Juin dernier, j'ai addressé le $\frac{4}{16}$ octobre à Mr. le Secretaire d'Etat Adams la lettre ci annexée en copie.

Ayant jugé, Mr. le Comte, que cette demarche officielle demandait un developpement plus étendu des principes et de la façon de voir de notre Cour, concernant la question des Colonies Espagnoles d'Amérique, je me rendis ce même jour au Departement des affaires étrangères et je prévins Mr. le Secrétaire d'Etat du Contenu de l'office, qu'il allait recevoir de ma part. Je passai ensuite à m'expliquer envers ce ministre relativement a l'objet dessus mentionné dans un sens entièrement conforme aux dépeches de V. Ex. du $\frac{13}{25}$ Juillet et du $\frac{2}{14}$ Decembre 1822, et je finis par exprimer au nom de S. M. l'Empereur, notre Auguste Maitre, le voeu et l'espoir, que le Gouvernement des Etats Unis persistera dans le système de neutralité entre l'Espagne et les Colonie Espagnoles d'Amérique, qu'il annonça vouloir suivre à l'époque, ou il reconnût l'independance et l'existence politique de ces derniers pays.

Mr. Adams me répondit : qu'il pouvait m'assurer, qu'aussi longtems que les affaires continueront de rester sous ce rapport dans le même état, où elles se trouvaient au moment, que le Gouvernement Américain a adopté le système de cette neutralité, et où elles se sont maintenues jusqu'à présent le Gouvernement ne se départira point de ce système. Mr. le Secrétaire d'Etat ajouta ensuite les observations suivantes :

Que la resolution du Gouvernement des Etats Unis d'observer la neutralité entre l'Espagne et ses Colonies Américaines, ayant été prise d'après un état de choses existant, celui de la neutralité de la part des Puissances de l'Europe dans la guerre, que se font l'Espagne et ses Colonies, tant que cet état de choses continuera de subsister, ce pays ci n'apportera point d'altération au systéme de neutralité, qu'il a embrassé. Que si cette situation venait à éprouver un changement de la part de l'une ou de l'autre Puissance Européenne, de cette nouvelle situation résultérait pour le cabinet de Washington la nécessité de déliberations nouvelles ; et qu'il ne saurait, naturellement, pas me dire, quelles pourraient être les determinations que dans une semblable hypothèse, le Gouvernement des Etats Unis se verrait dans le cas d'adopter.

J'ai remarqué avec satisfaction, Mr. le Comte, que Mr. le Secrétaire d'Etat a paru reconnoitre dans les explications, que j'ai pensé devoir lui offrir, une nouvelle preuve des vues droites, généreuses et pleines de modération, qui caractérisent la politique de l'Empereur et un témoignage de plus des dispositions constamment amicales de Sa Majesté Impériale envers le Gouvernement des Etats Unis. Je me suis confirmé à cette occasion dans l'idée, que j'avais déja antérieurement conçue, du prix, que le Gouvernement de ce pays attache à ces dispositions de notre Auguste Souverain, et de son désir d'y correspondre de son coté sincèrement; sentimens, dont Mr. Adams m'a réitéré les assurances les plus positives.

J'ai l'honneur d'etre &c. &c. (Signed) TUYLL.

BARON TUYLL TO COUNT NESSELRODE.

A S. E. Mr. le Comte de Nesselrode.

WASHINGTON, le $\frac{30 \text{ Octobre}}{11 \text{ Novembre}}$ 1823.

Mr. le Comte, — Mr. le Secrétaire d'Etat Adams m'ayant invité de me rendre le $\frac{27 \text{ Octobre}}{8 \text{ Novembre}}$ au Departement des affaires étrangères, ce ministre me donna à connaitre, qu'il avait mis la lettre officielle, que je lui adressai le $\frac{4}{16}$ Octobre et sur laquelle je recevrai incessament une réponse par écrit, sous les yeux de Mr. le President des Etats Unis et qu'il lui avait également rendu compte tant des explications verbales, dans lesquelles j'étois entré à cette occasion, concernant la neutralité de ce pays entre l'Espagne et ses Colonies Américaines, que de ce qu'il m'avait répondu, de même verbalement, à ce sujet.

Mr. Adams me dit ensuite que Mr. le Président avait pleinement approuvé cette résponse de Mr. le Secretaire d'Etat, qu'il l'avait de plus chargé de m'assurer que les observations, qu'au nom de S. M. l'Empereur j'avais présentées au Gouvernement des Etats Unis relativement au point susmentionné avaient été reçues amicalement par le Président et que ce dernier désirait, qu'en portant cette assurance à la connaissance de ma Cour, j'y ajoutasse simultanément l'expression de voeu, que forme de son coté le Président des Etats Unis: "que Sa Majesté Impériale put trouver bon de continuer de même a suivre le système de neutralité, qu'Elle a jusqu'á présent observé dans les differences, qui subsistent entre l'Espagne et les Etats indépendans, ci devant Colonies d'Espagne en Amérique."

J'ai pensè devoir prier Mr. Adams de prendre lecture de mon rapport en date du $\frac{15}{27}$ Octobre, que ce ministre a reconnu rendre fidèlement le sens de ce qui s'est passé dans nos premieres confé-

rences, et j'ai encore adopté aujourd'hui la même marche, afin de m'assurer d'autant mieux de l'exactitude de la présente dépêche.

J'ai l'honneur d'etre, &c., &c., (Signed) TUYLL.

COUNT NESSELRODE TO BARON TUYLL.

EXTRAIT.

ST. PETERSBOURG, le 30 Août, 1823.

Quand les principes qu'une cour a résolu de suivre, sont établis avec précision; quand le but qu'elle se propose est clairement indiqué, les événements deviennent faciles à juger pour Ses Ministres & Agents diplomatiques. Ceux de l'Empereur n'avaient donc pas besoin d'instructions nouvelles pour apprécier & considerer sous leur vrai point de vue les heureux changements qui viennent de s'accomplir dans la Péninsule.

Pénétrés de l'esprit qui dirige la politique de Sa Majesté Impériale, ils auront applaudi aux declarations, dont ces changements ont été précédés, exprimé les voeux les plus sincères en faveur d'une entreprise qui embrasse de si hauts intérêts & annoncé sans hésitation que l'Empereur & ses alliés voyaient avec un véritable sentiment de joie, la marche des troupes de S. M. T. C. couronnée d'un double succés par le concours des peuples auxquels l'armée française a offert une généreuse assistance & par l'affranchissement des païs où la révolution etait parvenue à détrôner l'autorité légitime.

Aujourd'hui que les artisans des malheurs de l'Espagne, renférmes dans Cadiz & dans Barcelone, peuvent bien encore abreuver de nouveaux outrages leurs prisonniers augustes, mais non asservir & tyranniser leur patrie; adjourd'hui que le Portugal a noblement secoué le joug d'une odieuse faction, nous sommes arrivés à une époque, où il ne sera point inutile de vous informer des décisions & des vues ultérieures de Sa Majesté Impériale.

La force des armes déployée àpropos; environnée de toutes les garanties que réclamait la résolution d'y avoir recours; tempérée par toutes les mesures & toutes les promesses qui pouvaient tranquilliser le peuple sur leur avenir; soutenue, enfin, par cette puissance d'union & d'accord qui a créé de nos jours un nouveau système politique: la force des armes n'a eu en quelque sorte qu'à se laisser appercevoir pour démasquer aux yeux du monde un despotisme qu'avaient trop souvent révoqué en doute, ou l'erreur des hommes à théories qui s'abusaient involontairement peut-être sur le véritable état des choses, ou la mauvaise foi des hommes à projets criminels qui ne cherchaient que les moyens d'étendre & de propager la contagion des mêmes malheurs.

En Espagne, la nation toute entière attendait impatiemment l'occasion de prouver que la plus coupable imposture avait seule pu lui prêter ces voeux subversifs de l'ordre social & ce désir d'avilir la Religion & le Trône que démentait d'avance chaque page de son histoire. En Portugal, il a suffi d'un exemple & du courage d'un jeune Prince, pour que l'édifice revolutionnaire tombât au premier choc, & pour ainsi dire, de sa propre faiblesse. C'est une grande & consolante leçon que la Providence Divine nous réservait. Elle accorde la justification d'un éclatant triomphe aux desseins des Monarques qui ont pris l'engagement de marcher dans ses voies; mais peut-être n'a-t-on pas assez observé que les mémorable événements, dont nous sommes témoins, marquent une nouvelle phase de la civilisation Européenne. Sans s'affaiblir, le patriotisme paraît s'être éclairé; la raison des peuples a fait un grand pas, en reconnoissant que, dans le système actuel de l'Europe, les conquêtes sont impossibles; que les Souverains qui avait mis leur gloire à réparer les effets de ces anciennes interventions dont la malveillance essayait encore d'allarmer la crédulité publique, ne renouveleraient point ce qu'ils avaient toujours condamné, & que ces vieilles haines nationales qui repoussaient jusqu'aux services rendus par une main étrangère, devaient disparaître devant un sentiment universel, devant le besoin d'opposer une digue impénétrable au retour des troubles & des révolutions dont nous avons tous été, trente ans, les jouets et les victimes. Que l'on compare l'Espagne telle que nous la peignaient des prédictions sinistres, à l'Espagne telle qu'elle se montre aujourd'hui; que l'on suive rapides progrès de la bonne cause, depuis l'année dernière, & on se convaincra de ces utiles vérités, on verra que la paix, en se rétablissant, aura pour base la conviction généralement acquise des précieux advantages d'une politique qui a délivré la France, en 1814 et 1815, volé au secours de l'Italie en 1821, brisé les chaines de l'Espagne & du Portugal en 1823; d'une politique, qui n'a pour objet que de garantir la tranquillité de tous les Etats dont se compose le monde civilisé.

Il importe que les Ministres & Agents de l'Empereur ne perdent pas de vue ces graves considerations & qu'ils les développent toutes les fois qu'ils trouvent l'occasion de les faire apprécier.

L'Alliance a été trop calomniée & elle a fait trop de bien pour qu'on ne doive pas confondre ses accusateurs, en plaçant les résultats à coté des imputations, & l'honneur d'avoir affranchi & sauvé les peuples, à coté du reproche de vouloir les asservir & les perdre.

Tout autorise à croire que cette salutaire Alliance accomplira sans

obstacle sérieux l'œuvre dont elle s'occupe. La Revolution expirante peut bien compter quelques jours de plus ou de moins d'agonie, mais il lui sera plus difficile que jamais de redevenir Puissance ; car les Monarques Alliés sont décidés a ne pas transiger, à ne pas même traiter avec elle. Certes, ils ne conseilleront, en Espagne, ni les vengeances ni les réactions ; & leur premier principe sera constamment, que l'innocence obtienne une juste garantie & l'erreur un noble pardon ; mais ils ne sauraient reconnaître ancien droit créé & soutenu par le crime ; ils ne sauraient practiser avec ceux qu'on a vus renouveler à l'isle de Leon, à Madrid & à Séville des attentats qui prouvent le mépris ouvert de tout ce que les hommes devraient respecter le plus dans l'intérêt de leur repos & de leur bonheur. C'est avec cette détermination qu'a été formé & que sera poursuivi le siège de Cadix. On ne posera les armes qu'au moment où la liberté du roi aura enfin été conquise & assurée.

Ce moment sera celui, où les Alliés rempliront envers l'Espagne le reste de leurs engagements & de leurs devoirs. Ils se garderont de porter la plus légère atteinte à l'indépendance du Roi, sous le rapport de l'administration intérieure de ses Etats, mais par l'organe de leurs Ambassadeurs (Sa Majesté Impériale se propose alors d'accréditer temporairement le Lieutenant Général Pozzo di Borgo auprès de S. M. C.) ils éleveront la voix de l'amitié, ils useront de ses privileges, ils profiteront de leur position, pour insister avec énergie sur la nécessité d'empêcher que l'avenir ne reproduise les erreurs du passé, de confier à des Institutions fortes, monarchique & toutes nationales les destinées futures de l'Espagne & de rendre désormais inutile l'assistance qu'elle a reçue, on y fondant un gouvernement dont la surêté résidera dans le bien même dont il sera l'instrument & l'auteur.

Les Alliés ne pourrant signaler ni les loix, ni les mesures, ni les hommes les plus capable de réaliser de telles intentions. Mais ils croiraient manquer à une de leurs obligations les plus essentielles, s'ils n'avertissaient Ferdinand VII., redevenue libre, que leur entreprise demande encore une dernière apologie aux yeux de l'Europe, & que si la prosperité de l'Espagne n'en est la conséquence immédiate, ils n'auront rien fait ni pour lui, ni pour eux.

L'Empereur souhaite avec la même sincérité & le même désintéressement un honheur durable à la Nation portugaise. Nos communications jointes à celles des Cours d'Autriche, de France et de Prusse qui partage ce désir, en offriront la meilleure preuve au Cabinet de Lisbonne, & nous n'aurons plus de voeux à former, si le nouveau gouvernement du Portugal prépare avec prudence & maturité les

matériaux d'une restauration solide, s'il les met en œuvre, quand l'Espagne pourra se livrer aux même soins, & s'il rivalise de zèle avec le Cabinet de Madrid pour décider, à l'avantage réciproque des deux Etats, les questions de politique extérieure & administrative, qu'ils ont, l'un à l'autre, à méditer & à résoudre.

Tel est le sens dans lequel ont agi & dans lequel continueront d'agir l'Empereur & ses Alliês. . . . . .

Vous êtes autorisé a faire usage de la présente dans vos rapports confidentiels avec le gouvernement des Etats-Unis d'Amérique.

On November 25, Adams, to use the language in the "Memoirs of John Quincy Adams," volume VI, page 199, "made a draft of observations upon the communications recently received from Baron de Tuyll, the Russian Minister. Took the paper together with the statement I had prepared of what had passed between him and me, and all the papers received from him to the President."

That portion of the paper which is in brackets was stricken out. It read as follows:

"The Government of the United States of America is [essentially] *Republican*. By their Constitution it is provided that The United States shall guaranty to every State in this Union, a *Republican* form of Government, and shall protect each of them from invasion."

"[The principles of this form of Polity are; 1 that the Institution of Government, to be lawful, must be pacific, that is founded upon the consent, and by the agreement of those who are governed; and 2 that each Nation is exclusively the judge of the Government best suited to itself, and that no other Nation, can justly interfere by force to impose a different Government upon it. The first of these principles may be designated, as the principle of *Liberty* — the second as the principle of National *Independence*. — They are both Principles of *Peace* and Good Will to Men.]

"[A necessary consequence of the second of these principles is that] The United States recognize in other Nations the right which they claim and exercise for themselves, of establishing and of modifying their own Governments, according to their own judgments, and views of their interests, not encroaching upon the rights of others.

"Aware that the Monarchial principle of Government, is different from theirs, the United States have never sought a conflict with it, for interests not their own. Warranted by the principle of National Independence, which forms one of the bases of their political Institutions, they have desired Peace, Commerce and Honest

Friendship with all other Nations, and entangling alliances with none.

"From all the combinations of European Politics relative to the distribution of Power, or the Administration of Government the United States have studiously kept themselves aloof. They have not sought, by the propagation of their principles to disturb the Peace, or to intermeddle with the policy of any part of Europe. In the Independence of Nations, they have respected the organization of their Governments, however different from their own, and [Republican to the last drop of blood in their veins] they have thought it no sacrifice of their principles to cultivate with sincerity and assiduity Peace and Friendship even with the most absolute Monarchies and their Sovereigns.

"To the Revolution and War which has severed the immense territories, on the American (*Territories*) continents heretofore subject to the dominion of Spain from the yoke of that power, the United States have observed an undeviating neutrality. So long as the remotest prospect existed that Spain by Negotiation or by arms could recover the possession she had once held of those Countries, the United States forbore to enquire by what title she had held them, and how she had fulfilled towards them the duties of all Governments to the People under their charge. When the South-American Nations, after successively declaring their Independence, had maintained it, until no rational doubt could remain, that the dominion of Spain over them was irrecoverably lost, the United States recognized them as independent Nations, and have entered into those relations with them, commercial and political incident to that Condition — Relations the more important to the interests of the United States, as the whole of those emancipated Regions are situated in their own Hemisphere, and as the most extensive, populous and powerful of the new Nations are in their immediate vicinity; and one of them bordering upon the Territories of this Union.

"To the contest between Spain and South America all the European Powers have also remained neutral. The maritime Nations have freely entered into commercial intercourse with the South Americans, which they could not have done, while the Colonial Government of Spain existed. The neutrality of Europe was one of the foundations upon which the United States formed their judgment, in recognizing the South-American Independence; they considered and still consider, that from this neutrality the European Nations cannot rightfully depart.

"Among the Powers of Europe, Russia is one with whom the

United States have entertained the most friendly and mutually beneficial intercourse. Through all the vicissitudes of War and Revolution, of which the world for the last thirty years has been the theatre, the good understanding between the two Governments has been uninterrupted. The Emperor Alexander in particular has not ceased to manifest sentiments of Friendship and good will to the United States from the period of his accession to the throne, to this moment, and the United States on their part, have as invariably shown the interest which they take in his Friendship and the solicitude with which they wish to retain it.

"In the communications recently received from the Baron de Tuyll, so far as they relate to the immediate objects of intercourse between the two Governments, the President sees with high satisfaction, the avowal of unabated cordiality and kindness towards the United States on the part of the Emperor.

"With regard to the communications which relate to the Affairs of Spain and Portugal, and to those of South America, while sensible of the candour and frankness with which they are made, the President indulges the hope, that they are not intended *either* to mark an Æra either of change, in the friendly dispositions of the Emperor towards the United States or of hostility to the principles upon which their Governments are founded; or of deviation from the system of neutrality hitherto observed by him and his allies, in the contest between Spain and America.

"To the Notification that the Emperor, in conformity with the *political principles* maintained by himself and his Allies, has determined to receive no Agent from any of the Governments *de facto*, which have been recently formed in the new World it has been thought sufficient to answer that the United States, faithful to *their* political principles, have recognised and now consider them as the Governments of Independent Nations.

"To the signification of the Emperor's hope and desire that the United States should continue to observe the Neutrality which they have proclaimed between Spain and South-America, the answer has been that the neutrality of the United States will be maintained as long as that of Europe, apart from Spain, shall continue and that they hope that of the Imperial Government of Russia will be continued.

"[To the confidential communication from the Baron de Tuyll, of the Extract, dated St Petersburg 30 August 1823. So far as it relates to the affairs of Spain and Portugal, the only remark which it is thought necessary to make, is of the great satisfaction with which the

President has noticed *that* paragraph, which contains the frank and solemn admissions that '*the undertaking of the Allies, yet demands a last Apology to the eyes of Europe.*']

"In the general declarations that the allied Monarchs will never compound, and never will even treat with the *Revolution* and that their policy has only for its object by *forcible* interposition to guaranty the tranquility of *all the States of which the civilised world is composed*, the President wishes to perceive sentiments, the application of which is limited, and intended in their results to be limited to the Affairs of Europe.

"That the sphere of their operations was not intended to embrace the United States of America, nor any portion of the American Hemisphere.

"And finally deeply desirous as the United States are of preserving the general peace of the world, their friendly intercourse with all the European Nations, and especially the most cordial harmony and good will with the Imperial Government of Russia, it is due as well to their own unalterable Sentiments, as to the explicit avowal of them, called for by the communications received from the Baron de Tuyll, to declare

"That the United States of America, and their Government, could not see with indifference, the forcible interposition of any European Power, other than Spain, either to restore the dominion of Spain over her emancipated Colonies in America, or to establish Monarchical Governments in those Countries, or to transfer any of the possessions heretofore or yet subject to Spain in the American Hemisphere, to any other European Power.

"DEPARTMENT OF STATE WASHINGTON 27 November 1823."

The foregoing paper came before Monroe's Cabinet for discussion, which is very fully given in the memoirs of John Quincy Adams, Volume VI, pages 199 to 212.

The paper above given in full was read to the Russian Minister without the paragraphs which were in parenthesis.

The two following notes from Monroe to Mr. Adams are also found in the Adams manuscripts:

JAMES MONROE TO JOHN QUINCY ADAMS.

DEAR SIR, I am inclind to think that the second parag had better be omitted, & that such part of the 3^{d} be also omitted, as will make that parag^{h} stand, as the second distinct proposition, in our system. The principle of the paper, will not be affected by

this modification, & it will be less likely to produce excitement anywhere.

Two other passages, the first in first page, & the second in the 3d are also marked for omission. (Signed) J. M.

You had better see the Baron immediately.

Novr 27, 1823.

JAMES MONROE TO JOHN QUINCY ADAMS.

Novr 27 1823.

The direct attack which the parag makes on the recent movements, of the Emperor, & of course, censure, on him, and its tendency to irritate, suggest the apprehension that it may produce an unfavorable effect. The illustration of our principles, is one thing; the doing it, in such a form, bearing directly, on what has passed, & which is avoided in the message, is another. Nevertheless, as you attach much interest to this passage, I am willing that you insert it, being very averse to your omitting anything wch you deem so material.

(Signed) J. M.

The following letter from Mr. Monroe to Mr. Jefferson is to be found among the Jefferson Papers in the Department of State, Washington, D. C.

Washington, Decr 4, 1823.

Dear Sir, — I now forward to you a copy of the message, more legible than that which [was] sent by the last mail. I have concurr'd thoroughly with the sentiments expressed in your late letter, as I am persuaded, you will find, by the message, as to the part we ought to act, toward the allied powers, in regard to So America. I consider the cause of that country, as essentially our own. That the crisis is fully as menacing, as has been supposed, is confirmed, by recent communications, from another quarter, with which I will make you acquainted in my next. The most unpleasant circumstance, in these communications is, that Mr. Canning's zeal, has much abated of late. Whether this proceeds, from the unwillingness of his govt, to recognize the new govts or from offers made to it, by the allied powers, to seduce it, into their scale, we know not. We shall nevertheless be on our guard against any contingency. Very respectfully and sincerely Yours,

(Signed) James Monroe.

Recd Dec. 7.

The following letter from Mr. Monroe to S. L. Gouverneur is to be found among the Monroe Papers in the New York Public Library:

WASHINGTON, Dec. 4, 1823.

DEAR SAMUEL, — I have only a moment to inform you that your aunt escaped her chill last night & is much better today. She was bled yesterday & had also taken some Calomel to which we attribute this improvement.

I send you two copies of the message, better printed than that which I sent yesterday, with the information, which we possess, of the views of the allied powers, which altho' applicable to Sº Am:, touch us, on principle, it was thought a duty to advert to the subject, & in plain terms. It has been done, nevertheless, in mild, respectful, & friendly terms. Had I omitted to put the country on its guard, & anything had occurrd of a serious character, I should probably have been censurd as it is they may look before them, and what may be deemed expedient. I shall be glad to hear in what light the warning is viewd.

I hope that neither you, Mr. Tillotson or Mr. Morris, will pledge either yourselves, or me, in favor of Mr. Randolph, further than as to the respectability of his character, & what I have heard of his estate, which I stated I had not seen. I think it valuable, & that he would not misrepresent facts. Be on your guard as to this. Tell Maria that we are much relieved, by the favorable change in her mother's health. If she escapes tomorrow, we trust, that all further anxiety will cease. Affectionate regards attend you all. —

Your friend (Signed) JAMES MONROE.

The original draft of a letter made by John Quincy Adams to Baron de Tuyll was so modified that the portion in brackets was omitted by request of Monroe and the words in italics were omitted from the letter.

DEPARTMENT OF STATE. WASHINGTON, 15 Novr. 1823.

SIR, — I have had the honor of receiving your note of the $\frac{4}{16}$ instt communicating the information that His Imperial Majesty the Emperor of all the Russias has determined in no case *whatsoever* to receive any agent whatsoever from the Government of the Republic of Columbia, or from any other of the Governments de facto, which owe their existence to the events of which the new World has for some past years been the theatre.

Influenced by the considerations which prescribe it as a duty to independent *Christian* Nations *of Christians* to entertain with each other, the friendly relations which sentiments of humanity and their mutual interests require, and satisfied that those of South America had become irrevocably Independent of Spain the Government of the United States B [have interchanged Ministers Plenipotentiary with the Republic of Colombia, have appointed Ministers of the same Rank to the Governments of Mexico, Buenos Ayres and Chili, have received a Minister and other Diplomatic Agents from Mexico, and will continue to receive and send Agents Diplomatic and Commercial, in their intercourse with the other American Independent Nations, as in the performance of their social duties, and in the pursuit of their lawful Interests they shall find *expedient* proper. While regretting that the political principles maintained by His Imperial Majesty and his allies, have not yet led the Imperial Government to the same result, and that they have not seen fit to receive the *diplomatic agent* Minister *of Peace* said to have been commissioned by the Republican Government of Colombia, to reside near his Imperial Majesty, the Government of the United States, respecting in others that self-dependent Sovereignty which they exercise themselves, receive from you the information of his Majesty's determination on this subject in the Spirit of Candour, frankness, and of amicable disposition with which it is given.]

D. I avail myself of the occasion to reiterate to you, Sir, the assurance of my distinguished Consideration.

C. From the information contained in your Note, it appears that the political Principles maintained by His Imperial Majesty and his allies, have not led the Imperial Government to the same result. I am instructed by the President to assure you, that the Government of the United States respecting in others the Independence of the Sovereign authority, which they exercise themselves, receive the communication of H. I. M.'s determination on that subject in the Spirit of Candour, frankness, and of amicable disposition with which it is made. D.

B. The government of the U States thought it proper to acknowledge their independence, in March 1822, by an act which was then published to the world. This government has since interchanged ministers with the republic of Columbia, has appointed ministers of the same rank to the governments of Mexico, Buenos Ayres, and Chili, has received a minister and other diplomatic agents from Mexico and

preservd, in other respects the same intercourse, with those new States, that they have with other powers.

By a recurrence to the message of the President, a copy of which is enclosed, you will find, that this measure was adopted on great consideration; that the attention of this gov. had been called, to the contest; between the parent country & the Colonies, from an early period that it had marked the course of events with impartiality, & had become perfectly satisfied, that Spain could not reestablish her authority over them: that in fact the new States were completely independant. C.

[Under those circumstances my gov^t^ has heard with great regret, the information contained in your note that the political principles maintained by his Imperial Majesty & his allies, have not yet led the Imperial gov^t^ to the same result. I am instructed however by the President to assure you, that this communication of H. I. M.'s determination, on this subject has been received in the spirit of candour, frankness, & of amicable disposition with which it is given.]

Monroe wrote Adams the two following notes:

Nov^r^ 8, 1823.

Dear Sir, — I called to confer a moment with you respecting the concerns depending with the minister of Russia, but not meeting with you, and hearing that you are expected to have an interview with the minister of Russia, to day, I drop you a few lines on that subject.

In the interview, I think that it will be proper, to extend your conversation & enquiries to every point, which seems to be embraced, by his note, & informal communication, with a view to make it the basis of all subsequent measures, either with Congress, or through Mr. Rush with the British gov^t^ If you see no impropriety, in it, I think that I would ask him, whether he intended, by the terms "political principles" to refer to the governments established, in the new states, as distinguishing them from those of Europe. The strict import justifies the conclusion that he does, and that is supported by all the recent movements of the allied powers, in Europe. Still to give it that construction, without his sanction, in this form, might be objected to hereafter. I merely suggest this for your consideration, to which I add, that if there be cause to doubt the propriety of the step, you had better decline it, for further reflection, especially as other opportunities will present themselves, in future conferences with him, on the same subject.

On the other point I need add nothing at this time. Indeed I do not know that I can say anything, in addition to what was suggested on it yesterday. It is probable that something may occur in your conference, which may make it proper, to enlarge the sphere of the communication. (Signed) J. M.

Dear Sir, — I enclose you a modification of your note in reply to that of the Russian minister for your consideration. The part for which it is proposed to be a substitute is marked with a pencil — tho' much of that thus marked is retained. You will be able to decide how far such a modification, will be proper from what may have taken place in your conference with the minister. The object, is to soften the communication in some degree, without losing any portion of the decision called for by the occasion.

(Signed) J. M.

Novr. 10, 1823.

In the memoirs of John Quincy Adams, Volume VI, page 182, is the following concerning Baron de Tuyll:

"An acknowledgment of the receipt of his note; a statement that we had received and sent Ministers and Agents in our intercourse with the independent South American States, and should continue to do the same; regretting that the Emperor's political principles had not yet led his Government to the same conclusion. I saw by the Baron's countenance that he was not a little affected at this statement. He took leave of me, however, in perfect good humor."[1]

[1] See Worthington C. Ford's Collection of Monroe papers in Massachusetts Historical Society Proceedings, Volume XV, pages 373 to 436, for the papers and documents referred to and reprinted verbatim in this appendix.

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